

1970

c 284 Municipal Act

Ontario

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CHAPTER 284

The Municipal Act

1. In this Act,

Interpre-
tation

1. "arbitration" means an arbitration under this Act;
2. "assessment commissioner", in relation to a municipality, means the assessment commissioner appointed under *The Assessment Act* for the assessment region in which the municipality is situate;
R.S.O. 1970,
c. 32
3. "Assessment Review Court" means the Assessment Review Court established by *The Assessment Act*;
4. "assessor" means the assessment commissioner and anyone acting under his authority;
5. "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over or across which a highway passes;
6. "city", "town", "village", "township" and "county" respectively mean a city, town, village, township or county, the inhabitants of which are a body corporate within the meaning and for the purposes of this Act;
7. "debt" includes obligation for the payment of money;
8. "Department" means the Department of Municipal Affairs;
9. "electors", when applied to a municipal election, means the persons entitled to vote at a municipal election; when applied to voting on a money by-law, means the persons entitled to vote on the by-law; and when applied to voting on any other by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors;
10. "highway" means a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes;
11. "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water;
12. "local municipality" means a city, town, village and township;

13. "member", referring to a member of a council, includes the head of the council and a member of a board of control;
14. "money by-law" means a by-law for contracting a debt or obligation or for borrowing money other than a by-law passed under section 332;
15. "Municipal Board" means the Ontario Municipal Board;
16. "municipal electors" means the persons entitled to vote at a municipal election;
17. "municipality" means a locality the inhabitants of which are incorporated;
18. "population" means the population as determined by the last preceding census taken under the authority of the Parliament of Canada, or under a by-law of the council, or by the last preceding municipal enumeration by the assessor, whichever is the latest, or by such means as the Municipal Board may direct;
19. "prescribed" means prescribed by or under the authority of this Act;
20. "published" means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning;
21. "separated town" means a town separated for municipal purposes from the county in which it is situate;
22. "sewage" includes drainage, storm water, commercial wastes and industrial wastes;
23. "Supreme Court" means the Supreme Court of Ontario;
24. "township" includes a union of townships and a municipality composed of two or more townships;
25. "two-thirds vote" means the affirmative vote of two-thirds of the members of a council present at a meeting thereof;
26. "unorganized territory" means that part of Ontario without county organization;
27. "urban municipality" means a city, town and village. R.S.O. 1960, c. 249, s. 1; 1965, c. 77, s. 1; 1968-69, c. 74, s. 1.

2.—(1) Where under this Act evidence is taken orally before a special examiner or a judge, he may direct that the evidence be taken in shorthand by a stenographic reporter. Evidence may be taken in shorthand

(2) The fees of the stenographic reporter including those for the transcribing of his notes shall be paid by the party on whose behalf the evidence is taken, and shall form part of the costs of the proceedings in which the evidence is taken. R.S.O. 1960, c. 249, s. 2. Fees of reporter, how paid

3. Where registration in a registry office is prescribed or provided for by this Act, it means, where *The Land Titles Act* is applicable, registration in the office of the proper master of titles of the locality in which the land is situate. R.S.O. 1960, c. 249, s. 3, *amended*. Registration in office of land titles
R.S.O. 1970, c. 234

- 4.** A person in the actual occupation of land, When occupant deemed to be owner
- (a) under an agreement with the owner for the purchase of it; or
 - (b) sold by the Director in accordance with the *Veterans' Land Act* (Canada), R.S.C. 1952, c. 280

shall be deemed to be the owner, and the unpaid purchase money or balance, as the case may be, shall be deemed to be an encumbrance on the land. R.S.O. 1960, c. 249, s. 4.

5. Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise expressly provided, it includes the power to acquire by purchase or otherwise and to enter on and expropriate. R.S.O. 1960, c. 249, s. 5. Power to acquire includes expropriation

6. Except where otherwise expressly provided, this Act does not affect the provisions of any special Act relating to a particular municipality. R.S.O. 1960, c. 249, s. 6. Special Acts not affected

7. The inhabitants of every county, city, town, village and township are a body corporate for the purposes of this Act. R.S.O. 1960, c. 249, s. 7. Inhabitants of municipalities to be bodies corporate

8. The name of the body corporate is "*The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)] of (naming the municipality)*". R.S.O. 1960, c. 249, s. 8. Names of municipal corporations

9. The powers of a municipal corporation shall be exercised by its council. R.S.O. 1960, c. 249, s. 9. Council to exercise corporate powers

PART 1

FORMATION, ERECTION, ALTERATION OF
BOUNDARIES, AND DISSOLUTION OF
MUNICIPALITIES, ETC.

INCORPORATIONS AND ERECTIONS

Interpre-
tation

10.—(1) In this section, “inhabitant” means a permanent resident or a temporary resident having a permanent dwelling within the locality.

Improve-
ment
districts

(2) The Municipal Board, upon the application of the Department or of not less than thirty inhabitants of a locality having a population of not less than fifty, may incorporate the inhabitants of the locality or a larger or smaller locality as an improvement district.

Townships

(3) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 1,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a township or union of townships.

Villages

(4) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 500, may incorporate the inhabitants of the locality or a larger or smaller locality as a village. R.S.O. 1960, c. 249, s. 10 (1-4).

Idem

(5) The Municipal Board, upon the application of the trustees of a police village having a population of not less than 500, may incorporate the inhabitants of the locality comprising the police village as a village. R.S.O. 1960, c. 249, s. 10 (5); 1960-61, c. 59, s. 1.

Towns

(6) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 2,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a town.

Locality
interpreted

(7) An application may be made under subsection 2, 3, 4 or 6 with respect to a locality that includes, but is not composed of, a police village or part thereof, but no such application may be made with respect to a locality that includes an urban municipality or any part thereof.

Qualifica-
tions of
applicants

(8) No person is qualified to be an applicant under this section unless he is a British subject of the full age of twenty-one years.

(9) The Municipal Board, before making an order under this section, shall hold a public hearing in or adjacent to the locality affected, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. R.S.O. 1960, c. 249, s. 10 (6-9). Public hearing

11.—(1) Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village. Erection of improvement district, as village

(2) Upon the application of an improvement district having a population of not less than 1,000, the Municipal Board may erect the improvement district into a township. as township

(3) Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town. R.S.O. 1960, c. 249, s. 11 (1-3). as town

(4) Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town. 1966, c. 93, s. 1. Erection of village or township into town

- (5) Upon the application, Erection of village, town or township into city
- (a) of a village or town having a population of not less than 15,000; or
 - (b) of a township having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

(6) An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct. Application to be authorized by by-law

(7) An application for the erection of a city or town under this section may include an application for the annexation of any locality adjoining the applicant municipality and, where the Municipal Board considers it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it and, where the locality to be annexed forms part of another municipality or municipalities, detach it therefrom. Enlargement of area of city or town to be erected

(8) Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and Idem

the provisions of section 14 shall apply with respect to the part of the application, and the order thereon, dealing with the proposed annexation.

Name,
boundaries,
etc.

12.—(1) Where a municipality is incorporated or erected, the order of the Municipal Board shall direct the name that the municipality shall bear, its boundaries, and the date when the incorporation or erection shall take effect, and may provide for any matters that the Board considers necessary for the establishment and carrying on of the municipality.

County

(2) Where an improvement district, village, town or township is incorporated out of parts of two or more counties, it shall be annexed to and form part of that one of the counties which the Municipal Board directs.

Additional
powers of
Board

(3) Without restricting the generality of subsection 1, the Municipal Board, by any order made upon an application for incorporation or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an amalgamation or annexation by subsections 8, 11, 16 and 18 of section 14, the provisions of which subsections apply *mutatis mutandis*. R.S.O. 1960, c. 249, s. 12 (1-3).

Order of
Board
conclusive

(4) The order of the Municipal Board incorporating or erecting a local municipality is conclusive evidence that all conditions precedent to the making of the order have been complied with and that the local municipality has been duly incorporated or erected in accordance with this Act, and such order shall be registered by the municipality affected as required by section 67 of *The Registry Act* as soon as practicable after the effective date of the order. R.S.O. 1960, c. 249, s. 12 (4); 1964, c. 68, s. 1.

R.S.O. 1970,
c. 409

WARDS

Wards

13.—(1) When a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other local municipality into wards, and shall designate the name or number each ward shall bear.

Application
by council

(2) Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect.

Petition of
electors

(3) A petition of 75 electors in a municipality having not more than 5,000 electors and of 150 electors in a municipality having more than 5,000 electors may be presented to the council of any local municipality requesting the council to make an application to the Municipal Board to divide or redivide the municipality into wards, and, if the council refuses or neglects to make the

application within one month after the receipt by the clerk of the petition, the petitioners or any of them may apply to the Municipal Board for the division or a new division of the municipality into wards, and the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect.

(4) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board considers necessary. 1962-63, c. 87, s. 1.

Composition
of local
boards

R.S.O. 1970,
c. 118

(5) Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and the provisions of section 25 apply *mutatis mutandis*.

Dissolution
of police
villages

(6) The Municipal Board, before making any order for the division or redivision into wards of a township containing one or more police villages, shall hold a public hearing in the municipality, after such notice thereof has been given as the Municipal Board may direct, for the purpose of inquiring into the merits of the application and the hearing of any objections that any persons may desire to bring to the attention of the Municipal Board.

O.M.B.
hearing

(7) Notwithstanding subsections 1, 4, 6, 7, 8, 9 and 10 of section 32 or any special Act, where a township containing one or more police villages is hereafter divided or redivided into wards, the Municipal Board may, in any order dividing or redividing the township into wards or by subsequent order or orders, make all such provisions for the composition of the council of the township as it may consider necessary or desirable, provided that there shall be a reeve to be elected by general vote and at least one councillor to be elected for each ward and one or more deputy Reeves to be elected by general vote or appointed by the council from its own members.

Power of
O.M.B. re
composition
of council

(8) A petition of 100 electors of a ward in a township in which a police village was dissolved under subsection 5 may be presented to the council of the township for the exercise of any of its powers to provide works or services in the ward of the kind that may be provided to a police village under section 482 and that may be lawfully provided within a defined area in the township and the

Petition
for works
or services
in wards

whole cost of which may be charged to such area, and, if the council,

- (a) where no approval of any other authority is required, refuses or neglects to exercise such powers within ninety days; or
- (b) where approval of some other authority is required, does not make the necessary application for such approval within sixty days; or
- (c) where the required approval has been obtained, does not exercise its powers within thirty days of the receipt of such approval,

the petitioners or any of them may appeal to the Municipal Board, and the Municipal Board shall hear the appeal, after such notice has been given as the Municipal Board may direct, and may dismiss the appeal or direct the council to pass a by-law or by-laws in accordance with its order. 1965, c. 77, s. 2.

ALTERATION OF BOUNDARIES

Interpre-
tation
R.S.O. 1970,
c. 118
Amalgama-
tions and
annexations

14.—(1) In this section, “local board” means a local board as defined in *The Department of Municipal Affairs Act*.

(2) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister of Municipal Affairs authorized by the Lieutenant Governor in Council, or in respect of clause *d* upon the application of at least twenty-five inhabitants, being British subjects of the full age of twenty-one years, the Municipal Board may by order on such terms as it may consider expedient,

- (a) amalgamate the municipality with any other municipality or municipalities;
- (b) annex the whole or any part or parts of the municipality to any other municipality or municipalities;
- (c) annex the whole or any part or parts of any other municipality or municipalities to the municipality; or
- (d) annex any locality that does not form part of any municipality to the municipality,

and any such order may amalgamate or annex a greater or smaller area or areas than the area or areas specified in the application, whether or not the municipality, municipalities, or locality not forming part of a municipality, in which the area or areas is or are located, is or are specified in the application.

Assent of
electors

(3) The Municipal Board, before proceeding with the application of the council of any municipality under subsection 2, may require that the by-law of the council shall receive the assent of the electors of such municipality who are entitled to vote on money by-laws.

(4) The Municipal Board, before making any order under subsection 2, shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. R.S.O. 1960, c. 249, s. 14 (1-4).

Public
hearing to
be held
by Board

(5) If it appears that by reason of an application made under subsection 2 a municipality would, if an order were made granting the application, be left, in regard to size, assets, location or otherwise, in such condition that it would be desirable to annex the whole or part or parts of the municipality remaining after such order to some other contiguous municipality or municipalities, the Municipal Board may, after notice to such contiguous municipality or municipalities and a public hearing, order,

Annexation
of remaining
part of
municipality
following
order

- (a) that the whole or part or parts of the municipality so remaining be annexed to such contiguous municipality or municipalities; and
- (b) in the event that the whole of the municipality so remaining is annexed to some other municipality or municipalities, that the municipality is dissolved. 1960-61, c. 59, s. 2.

(6) Where in a municipality affected by a proposed annexation or amalgamation an official plan approved under *The Planning Act* or a predecessor thereof is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Planning and Development before the 1st day of April, 1960, or to the Minister of Municipal Affairs on or after that date and to the planning board or planning boards having jurisdiction in any municipality or area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

Effect of
official
plan
R.S.O. 1970,
c. 349

(7) If a municipality to which the whole or part of another municipality is annexed or a municipality created by an amalgamation under this section has the requisite population, it may by such order be erected by the Municipal Board into a city or town bearing such name as the Board may direct.

City or
town may
be erected

(8) The Municipal Board may order a division or redivision of a municipality into wards if, in the opinion of the Board, the annexation or amalgamation renders such division or redivision necessary or desirable.

Division
into
wards

(9) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of the city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or

By-law
to be
submitted
on petition

township, the council shall, within four weeks after the presentation of the petition or within such longer period as the Municipal Board may fix, submit to the electors of the city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if the by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 2.

Interpre-
tation

(10) In subsection 9, "electors" means electors who are entitled to vote on money by-laws. R.S.O. 1960, c. 249, s. 14 (5-9).

Further
powers of
Municipal
Board

(11) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders,

- (a) make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order as may be agreed upon or, in default of agreement, as the Board may consider equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may consider equitable;
- (c) define special areas within the municipality as enlarged by such annexation or resulting from such amalgamation, having regard to the areas annexed thereto or amalgamated therein, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint one or more referees, who shall have all the powers mentioned in section 52 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;
- (e) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;

R.S.O. 1970,
c. 323

- (f) subject to section 20, require the transfer of real property from either municipality or a local board thereof to the other municipality or a local board thereof, and take any such transfer into consideration in the adjustments of assets and liabilities;
- (g) vest real property of either municipality or a local board thereof in the other municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;
- (h) make all such provisions for the composition of councils and local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation or amalgamation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first voters' lists and assessment rolls, the fixing of days for first meetings of councils and local boards, and for such other matters as it may consider necessary to provide for the effective administration of the enlarged or amalgamated municipality or of any local board thereof;
- (i) direct the name that shall be borne by any municipality affected by any such order;
- (j) where the holder of an operating licence under *The Public Vehicles Act* is adversely affected by the annexation or amalgamation, R.S.O. 1970,
c. 392
 - (i) authorize the municipality or municipalities to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or
 - (ii) direct what compensation, if any, shall be paid by the municipality or municipalities to the holder of the licence in respect of such adverse effect;
- (k) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable;

- (l) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a local municipality is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause *k*, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipalities and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable after a public hearing in each case;
- (m) where by reason of any annexation or amalgamation order made under this section a county will be deprived of not less than 15 per cent of its equalized assessment, authorize and direct the payment to such county by the annexing or amalgamated municipality, to relieve such county from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation or amalgamation in such amounts and manner as may be agreed upon between the county and the annexing or amalgamated municipality and approved by the Board or, failing agreement, as the Board considers equitable;
- (n) where by reason of annexation or amalgamation orders made under this section within any three-year period a county will be deprived of not less than a total of 15 per cent of what its equalized assessment would have been except for such annexations or amalgamations, and no order has been made under clause *m*, authorize and direct the payment to such county by the annexing or amalgamated municipality, to relieve such county from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation or amalgamation in such amounts and manner as may be agreed upon between the county and the annexing or amalgamated municipality and approved by the Municipality Board or, failing agreement, as the Municipal Board considers equitable after a public hearing in each case;

- (o) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order;
- (p) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefore not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof, provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation. R.S.O. 1960, c. 249, s. 14 (10); 1965, c. 77, s. 3; 1966, c. 93, s. 2; 1967, c. 55, s. 1 (1); 1968-69, c. 74, s. 2.

(12) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders, define urban services and cost of urban services and establish and, after establishment, alter one or more urban service areas within the municipality as enlarged by an annexation or resulting from an amalgamation and determine the manner in which and upon what lands or rateable property the cost of providing urban services is to be levied and raised by the municipality, and determine the manner in which and upon what lands or rateable property the liabilities, in respect of urban services of any of the municipalities as they existed prior to the annexation or amalgamation or in respect of urban services in whole or in part within an urban service area, shall be discharged by the imposition of rates in an urban service area.

Urban
service
areas

(13) An order under subsection 12 does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Effect of
order on
exemptions

(14) Section 29 of *The Assessment Act* applies to lands situated in an urban service area with respect to taxation or rates levied under or by virtue of an order made under this subsection as if the urban service area were the whole municipality. 1964, c. 68, s. 2 (1).

Application
of
R.S.O. 1970,
c. 32, s. 29

(15) Where compensating grants are to be determined by the Municipal Board under clause *k* or *m* of subsection 11, the determination shall not be made until after one complete fiscal year of the municipalities has elapsed following the date of the annexation or amalgamation.

Determina-
tion of
compensa-
ting grants
by Board

(16) The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it considers

Municipal
Board may
make rules,
etc.

necessary or desirable in connection with any such annexation or amalgamation and every such rule, regulation, order and direction is valid and binding upon all municipalities and local boards interested in or affected thereby.

No order if
municipality
in default

(17) No order of annexation or amalgamation of any municipality or any part thereof shall be made under this section at a time when the municipality is in default in payment of any interest or principal in respect of its debentures.

Provisions
of this
section to
prevail

(18) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding any other provision in this Act or any other special or general Act and, in the event of any conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail. R.S.O. 1960, c. 249, s. 14 (11-14).

Decision
granting
annexation
of amal-
gamation
R.S.O. 1970,
c. 323

(19) Section 94 of *The Ontario Municipal Board Act* does not apply to a decision of the Municipal Board providing for an annexation or amalgamation or refusing an application for an annexation or amalgamation and such decision,

- (a) shall be in writing;
- (b) shall identify the area to be annexed or amalgamated; and
- (c) shall fix the date when the annexation or amalgamation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered mail to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct. R.S.O. 1960, c. 249, s. 14 (15); 1968, c. 76, s. 1.

Notice of
objection

(20) No order shall be made under subsection 2 until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection 19 and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

(21) For the purposes of subsection 20, the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote on money by-laws who are resident in,

- (a) the municipality that has applied for the order; or
- (b) the area that by the decision is to be annexed to or amalgamated with the applicant municipality,

and includes, where there are no persons qualified to vote on money by-laws who are resident in the area to be annexed, an

objection in writing, giving reasons therefor, authorized by by-law of the council of the municipality in which such area is situated.

(22) An objection filed under subsection 20 may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant Governor in Council has made an order under subsection 23, of a notice in writing of such withdrawal signed by one-third or more of the objectors provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection 21, or, where the objection was authorized by the council of a municipality, of a certified copy of a by-law repealing the authorizing by-law.

Withdrawal
of objection

(23) Where an objection is filed in accordance with subsections 20 and 21 and is not withdrawn, the Lieutenant Governor in Council may by order,

Powers of
Lieutenant
Governor in
Council

- (a) confirm the decision of the Municipal Board; or
- (b) require the Municipal Board to hold a new public hearing of the annexation or amalgamation application before such members of the Board as the Lieutenant Governor in Council may designate.

(24) The decision of the Municipal Board,

Finality
of decision

- (a) where no objection is filed in accordance with subsections 20 and 21 or where the objections thereto are withdrawn in accordance with subsection 22; or
- (b) when confirmed by the Lieutenant Governor in Council; or
- (c) after a new public hearing ordered by the Lieutenant Governor in Council,

is final and not open to appeal, and the Board may thereupon make an order under subsection 2.

(25) Nothing in this section affects the application of section 95 of *The Ontario Municipal Board Act*. R.S.O. 1960, c. 249, s. 14 (16-21).

Application
of
R.S.O. 1970,
c. 323, s. 95

(26) Where part of a local municipality becomes part of a local municipality in another county or territorial district, it thereafter forms part of that county or territorial district except for the purpose of representation in the Assembly. 1967, c. 55, s. 1 (2).

Adding
parts to
municipality
in another
county or
territorial
district

(27) When an order is made under subsection 2, it shall be registered as required by section 67 of *The Registry Act* as soon as practicable after the effective date of the order,

Registration
of order
under
R.S.O. 1970,
c. 409, s. 67

- (a) where the order is made upon the application of the Minister of Municipal Affairs, by such Minister;

- (b) where the order is for annexation, by the municipality to which territory has been annexed; and
- (c) where the order is for amalgamation, by the new municipality. 1964, c. 68, s. 2 (2).

Alteration
of areas

15.—(1) Upon the application of a municipality to alter, enlarge, reduce or dissolve any fire, police, sewage, water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality or to divide any such area or areas into new areas, the Municipal Board may, on such terms as it considers expedient, by order make such alteration, enlargement, reduction, division, dissolution or amalgamation.

Public
hearing

(2) Unless under all the circumstances affecting the matter the Municipal Board considers unnecessary and by order dispenses with a public hearing, the Board shall, before making an order under this section, hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

Application
of s. 14

(3) The provisions of section 14, except subsections 4 and 19 to 25, apply *mutatis mutandis* to an application under this section. R.S.O. 1960, c. 249, s. 15.

Union of
townships

16.—(1) A union of townships shall consist of two or more townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities.

Annexation
of town-
ships in
unorganized
territory
to county

(2) The Lieutenant Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township in the county into a union of townships.

Separation
of township
from union

(3) Upon the application of a union of townships, authorized by by-law of the council thereof, or upon the application of at least seventy-five inhabitants of one of the townships included in a union of townships, the Municipal Board may by order on such terms as it considers expedient separate the township in respect of which the application is made from the union of townships and,

- (a) incorporate the inhabitants of the separated township as a new township; or
- (b) erect the township with an adjoining township into a union of townships.

(4) Where a township is separated from a union of townships, the order of the Municipal Board shall direct the name that the remainder of the union shall bear, the name that the new township or union shall bear, the boundaries of the municipalities, and the date when the order shall take effect, and may provide for any matters that the Board considers necessary for the establishment and carrying on of the municipalities.

Names,
boundaries,
etc.

(5) The provisions of section 14, except subsections 19 to 25, apply *mutatis mutandis* to an application under subsection 3. R.S.O. 1960, c. 249, s. 16.

Application
of s. 14

MATTERS CONSEQUENT ON INCORPORATIONS,
ERECTIONS, ALTERATIONS OF BOUNDARIES, ETC.

17.—(1) The incorporation of a locality as an improvement district, township, village or town, or the erection of an improvement district into a village, township or town, or the erection of a village or township into a town, or the erection of a village, town or township into a city, or the separation of a township from a union of townships, does not affect the by-laws then in force in the locality or municipality, and they remain in force in the locality or municipality until repealed by the council of the newly incorporated or erected municipality. R.S.O. 1960, c. 249, s. 17 (1); 1968, c. 76, s. 2.

By-laws to
remain in
force on
incorpora-
tions, etc.

(2) Subject to subsection 4, the amalgamation of two or more municipalities does not affect the by-laws then in force in each of the former municipalities and they remain in force in each former municipality until repealed by the council of the new municipality. R.S.O. 1960, c. 249, s. 17 (2); 1964, c. 68, s. 3 (1).

Idem

(3) Nothing in this section authorizes the amendment or repeal of a by-law that the council by which it was passed could not lawfully amend or repeal. R.S.O. 1960, c. 249, s. 17 (3).

Proviso

(4) Where, on the date of an order of the Municipal Board providing for the amalgamation of two or more municipalities, there is a by-law, passed under section 2 of *The Municipal Franchise Extension Act*, in force in one or more of the municipalities, then,

By-laws
under
R.S.O. 1970,
c. 288

- (a) if the municipality or municipalities in which such a by-law is in force have more than 50 per cent of the population of the new municipality according to the last revised assessment rolls of the former municipalities, such by-law or by-laws shall be deemed to be in force for all purposes of the whole of the new municipality until repealed by the council of the new municipality; or
- (b) if the municipality or municipalities in which such a by-law is in force have less than 50 per cent of the population of the new municipality according to the last

revised assessment rolls of the former municipalities, such by-law or by-laws shall be deemed to be repealed for all purposes of the new municipality.

Dissolution of police village included in area erected into an urban municipality

(5) Where a township or part of a township in which a police village is situate is erected into an urban municipality, the police village or part of the police village within such township or part of a township is dissolved or detached, as the case may be, and clauses *d, e, f* and *j* of subsection 7 of section 25 and subsection 8 of section 25 apply *mutatis mutandis*. 1965, c. 77, s. 4.

By-laws in force in annexed territory

R.S.O. 1970, c. 349

1941, c. 35

18. Except where otherwise ordered by the Municipal Board, where a locality or a municipality is annexed to a municipality, the by-laws of the latter municipality extend to the locality or annexed municipality and the by-laws then in force in the locality or annexed municipality cease to apply to it, except by-laws relating to highways, by-laws designating areas of subdivision control and by-laws passed under section 35 of *The Planning Act* or a predecessor of such section or which are kept in force by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, which shall remain in force until repealed by the council of the annexing municipality, and except by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council that passed them. R.S.O. 1960, c. 249, s. 18.

Assets, etc., on annexations, amalgamations, erections

19.—(1) Where,

- (a) the whole of a municipality is annexed to another municipality;
- (b) two or more municipalities are amalgamated;
- (c) an improvement district is erected into a village, township or town;
- (d) a village or township is erected into a town;
- (e) a village, town or township is erected into a city,

all the assets and liabilities of the annexed or former municipality or municipalities and its or their local boards are assets and liabilities of the annexing or new municipality and its local boards, and the annexing or new municipality and its local boards for all purposes stand in the place and stead of the annexed or former municipality or municipalities and its or their local boards. R.S.O. 1960, c. 249, s. 19 (1); 1967, c. 55, s. 2; 1968, c. 76, s. 3.

Idem

(2) Without limiting the generality of subsection 1, the annexing or new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the annexed or former municipality or municipalities, including those for the year in which the annexation, amalgamation or

erection takes place, as if such taxes had been imposed by the annexing or new municipality. R.S.O. 1960, c. 249, s. 19 (2).

20.—(1) Unless otherwise ordered by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, or is detached from one municipality and annexed to another, the real property belonging to the municipality from which the locality becomes or is detached and situated in the locality belongs to and is vested in the newly incorporated municipality or the annexing municipality, as the case may be, except a town hall and the land on which it is erected or which is used or enjoyed in connection with it, which shall remain the property of the municipality from which the locality becomes or is detached.

Disposition
of real
property,
on incor-
porations
and
annexations

(2) Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township belongs to and is vested in the separated township and the remainder of the real property is the property of the remainder of the union. R.S.O. 1960, c. 249, s. 20.

on
separation
from union
of
townships

21.—(1) Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, or is detached from one municipality and annexed to another, the taxes that were imposed by the municipality from which the locality becomes or is detached before the incorporation or annexation takes effect and are unpaid at the time the incorporation or annexation takes effect belong to the newly incorporated municipality or the annexing municipality, as the case may be, and may be collected and recovered by it as if they had been imposed by it.

Unpaid
taxes

(2) The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality or the annexing municipality under subsection 1, shall be taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation or annexation. R.S.O. 1960, c. 249, s. 21.

Idem

22.—(1) Where,

- (a) a locality is incorporated as an improvement district, township, village or town;
- (b) an improvement district is erected into a village, township or town;
- (c) a village or township is erected into a town;
- (d) a village, town or township is erected into a city; or
- (e) a township is separated from a union of townships,

Jurisdiction
of old
council on
incorpora-
tions, etc.

and the council of the new municipality is not organized until after the time of the incorporation, erection or separation, the council having authority in the locality, municipality or separated township at the time of the incorporation, erection or separation shall, until the council of the new municipality is organized, continue to have the same powers as before the incorporation, erection or separation. R.S.O. 1960, c. 249, s. 22 (1); 1968, c. 76, s. 4.

Idem

(2) Where two or more municipalities are amalgamated and the council of the new municipality is not organized until after the time of the amalgamation, the council of each former municipality shall, until the council of the new municipality is organized, continue to have the same powers with respect to its municipality as before the amalgamation. R.S.O. 1960, c. 249, s. 22 (2).

Power to proceed with local improvements upon land annexed to another municipality
R.S.O. 1970, cc. 136, 255

23.—(1) Where a work or service coming within the provisions of *The Drainage Act* or of *The Local Improvement Act* has been undertaken by a municipality and, after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a new municipality or is annexed to another municipality, the municipality from which the land becomes or is detached may complete the work or service, and may enter upon and acquire any land lying within the new or annexing municipality necessary for the completion of such work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money and do all such other acts and things as are necessary to complete the work or service and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality. R.S.O. 1960, c. 249, s. 23 (1), *amended*.

Municipality to which territory annexed to indemnify municipality undertaking work

(2) The municipality by which the work or service was undertaken shall be indemnified by the new municipality or the annexing municipality against all debts and liabilities incurred by it before the formation of the new municipality or the annexation for or in respect of any such work or service to the extent to which the land lying within such new or annexing municipality was specially assessed, and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

Assumption of debt where all of land specially assessed is detached

(3) Where the land specially assessed lies wholly within the new or annexing municipality, the latter is liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of the new or annexing municipality with certified copies of all the by-laws relating to the work or service and the rates

imposed by such by-laws shall be collected by the new or annexing municipality, and the latter shall pay the principal and interest of the debentures issued in respect of the work or service as they become due and shall indemnify the municipality from which the land was detached against the same.

(4) Where only part of the land specially assessed lies within the new or annexing municipality, the clerk of the municipality from which it was detached shall furnish the clerk of the new or annexing municipality with a certified copy of the by-law imposing the special assessment, and the new or annexing municipality, in each year in which a special rate upon such lands is payable, shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the municipality from which it was detached for its share of the cost of the work or service shall be taken into account. R.S.O. 1960, c. 249, s. 23 (2-4).

Collection of special rates, etc., where only part of land specially assessed is detached

INTER-URBAN AREAS

24.—(1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire protection, police protection, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including assistance under *The General Welfare Assistance Act*, parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it considers expedient create such area or a greater or smaller area for any or all of such purposes.

Power to create inter-urban administrative areas

R.S.O. 1970, cc. 118, 192

(2) Before proceeding with the application, the Municipal Board may require the matter to be voted upon by the electors entitled to vote on money by-laws in the area or any part thereof.

Vote of electors

(3) Before making an order under subsection 1, the Municipal Board shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

Public hearing to be held

(4) If a petition signed by at least 150 electors entitled to vote on money by-laws of any municipality other than a city or 500 such electors of a city praying that an application under subsection 1 be made is presented to the council, the council shall within six weeks after the presentation of the petition or, subject to the approval of the Municipal Board, at the next election submit to the electors entitled to vote on money by-laws for their assent

Petition

thereto a by-law or question setting out the nature of the application prayed for, and if such by-law or question receives the assent of such electors the council shall forthwith make such application to the Board.

Minister of
Municipal
Affairs
may apply

(5) The Lieutenant Governor in Council may authorize the Minister of Municipal Affairs to make an application under subsection 1 and in such case the Municipal Board has the same powers as if the application had been made by a municipality under subsection 1.

Powers of
Municipal
Board

(6) The Municipal Board may by order made pursuant to an application under this section or by subsequent order or orders,

- (a) make all such adjustments of assets and liabilities as between the municipalities affected by any such order as may be agreed upon or, in default of agreement, as the Board considers equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board considers equitable;
- (c) define special areas within the area created under this section and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which liabilities shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint one or more referees, who shall have all the powers mentioned in section 52 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustment of assets and liabilities and of the rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer the report back to the referee or referees for further consideration, and the order of the Board adopting, varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;
- (e) fix the remuneration and expenses of the referee or referees and declare in what proportion the remuneration and expenses shall be paid by the municipalities;
- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the order.

R.S.O. 1970,
c. 323

(7) The Municipal Board shall order a division or redivision of the area into not less than three wards having regard to population and size, provided that no ward shall extend beyond the boundaries of the municipality in which it is situated unless it is agreed to the contrary by the municipalities in the area. Wards

(8) The clerk of the municipality having the largest assessment shall act as secretary and returning officer of the area until a secretary-treasurer is appointed by the Board of Management. Acting secretary

(9) There shall be a board of management to be known as the Board of Management of the Inter-Urban Area of which shall be a body corporate composed of one member for each ward in the area, to be elected as hereinafter provided. Board of Management, composition

(10) Every person whose name is on the voters' list for the municipality or the part thereof within the ward as entitled to vote at municipal elections is entitled to vote at the election of the member of the Board of Management to be elected for such ward. Who may vote

(11) The first election of the Board of Management and any local board shall be held at the time and in the manner directed by the Municipal Board, and each election thereafter shall be held at the same time and place as the municipal elections of the municipality in which the ward is situated. Time and place of elections

(12) Except as provided in this section, the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officials and in the same manner as the elections of aldermen and councillors, and the provisions of this Act respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office, and decision in the case of a tie vote, apply *mutatis mutandis* to such election. Election to be as municipal election

(13) Each member so elected shall hold office for two years and until his successor is elected. Two-year term

(14) The Board of Management shall appoint a secretary-treasurer for the area and Board of Management, who shall hold office during pleasure and who, subject to the by-laws of the Board of Management, with respect to the area and the administration of its affairs and of its inhabitants has and may exercise all the authority, powers and rights and shall perform all the duties and obligations that by statute or by-law are or may be conferred or imposed upon the clerk and treasurer of a municipality with the status designated by the Municipal Board in respect of the purposes for which the area is created. Secretary-treasurer

(15) The auditors of the municipality having the largest assessment within the area shall be the auditors of the area and the local boards thereof. Auditors

Returning
officer

(16) The secretary-treasurer shall be the returning officer of the area and, in the event of two or more candidates in any ward having an equal number of votes, he shall give a vote for one of such candidates so as to decide the election.

Eligibility of
candidates

(17) No person is eligible for election as a member of the Board of Management or any local board unless he is a resident of the ward for which he is nominated and qualified to vote at municipal elections therein.

Nominations

(18) Nominations for the first election of the members of the Board of Management or for any local board for any ward shall be held at the time and in the manner directed by the Municipal Board and each year thereafter the nominations shall be held at the same time and place as the nominations of municipal candidates for the municipality in which the ward is situated.

Ballot
papers

(19) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates for the Board of Management and any local board in the same form as those used for councillors and aldermen.

Duties of
returning
officer at
close of poll

(20) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and not later than 4 o'clock in the afternoon of the third day following the last of such elections the returning officer of the area shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid post a copy of such certificate to each candidate.

Vacancies

(21) Where the office of a member of the Board of Management becomes vacant from any cause, the remaining members shall at the first meeting after the vacancy occurs appoint a qualified person, resident in the ward from which the member so vacating his seat was elected, to fill the vacancy for the remaining part of the term for which his predecessor was elected.

Meetings

(22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding the meeting shall be fixed by by-law.

Election of
chairman

(23) The secretary-treasurer shall preside at the election of the chairman or if there is no secretary-treasurer or in his absence the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

(24) In case of an equality of votes at the election of the chairman, the member who is assessed for the largest sum on the last revised assessment roll has a second or casting vote. Idem

(25) The chairman of the Board of Management shall be deemed to be and has all the rights, powers, privileges, duties and authority of the head of a council and municipality and a mayor or reeve of a city, town, village or township and the chairman of a local board as designated by the Municipal Board. Powers and duties of chairman

(26) The Board of Management shall appoint a vice-chairman who, during the absence of the chairman or if the office is vacant, has all the rights, powers, privileges, duties and authority of the chairman. Vice-chairman

(27) A majority of the members constituting the Board is a quorum. Quorum

(28) The area is a local municipality for the purposes for which the area was created with the status of a city, town, village or township as is designated by the Municipal Board. Status of area

(29) The Board of Management is a municipal council for the administration and management of the purposes for which the area was created and is a local board as defined in *The Department of Municipal Affairs Act* for such purposes as are designated by the Municipal Board, except school boards, library boards, boards of commissioners of police, planning boards, boards of health and health units. Status of Board of Management
R.S.O. 1970,
c. 118

(30) The powers vested in the Board of Management under this section shall not be exercised by the councils of the local municipalities in the area or by the council of the county, if any, in which the area is situated and the county levy, if any, shall not include a levy upon the rateable property in the area for any of the purposes for which the area was created. R.S.O. 1960, c. 249, s. 24, (1-30). Board of Management supreme

(31) Every board created or amalgamated for school purposes in the area has the status of a public school board, separate school board, board of education, secondary school board, or township school area board as is designated by the Municipal Board, and every such board is a corporation by the name of The Public School Board, or The Separate School Board, or The Board of Education, or The Secondary School Board, or The Public School Board of the Township School Area, of The Inter-Urban Area of, as the case may be, or such other designation as the Municipal Board by order or school board by by-law may provide, and the provisions of the respective school Acts governing such boards apply *mutatis mutandis* to such boards, except that each board shall be composed of one member for each ward elected for a term of two years at the time and in the manner herein provided by persons entitled to vote as public school supporters or separate school supporters, as the case may be. School boards

Exception

(32) Notwithstanding subsection 31, the Municipal Board may provide that a secondary school board created under this section shall be composed of one or more members representing each local municipality in the area to be appointed by the council of each such municipality at the first meeting in each year and the members so appointed, with such additional members as are authorized by *The Secondary Schools and Boards of Education Act*, form such secondary school board.

R.S.O. 1970,
c. 425

Roll to be
transmitted
and
produced

(33) When its assessment roll has been finally revised and corrected, the clerk of each municipality within the area shall within ninety days transmit to the secretary-treasurer of the area a summarized statement of the contents of the roll showing the population and the total assessment of each of the various classes of property liable to assessment and the total business assessment and the total assessment for public school, separate school and general purposes.

Equalization
of
assessment

(34) The Board of Management shall equalize the real property assessments of the municipalities within the area for public school, separate school, board of education, and secondary school purposes, as the case may be, and for such other purposes as are designated by the Municipal Board in a similar manner as is done in the case of an equalization for county purposes and similar procedures and rights apply thereto as in the case of a county equalization and for such purposes every municipality or public or separate school board thereof in the area shall be considered a municipality within a county, and for such purposes the Board of Management may with the approval of the Department appoint assessors who shall have the same powers and duties as an assessment commissioner. R.S.O. 1960, c. 249, s. 24 (31-34), *amended*.

Basis for
raising
required
sums

(35) The assessment of real property and business assessments as equalized in each municipality for the preceding year is the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned.

Rates

(36) The Board of Management shall prepare and adopt estimates of all sums required during the year for the purposes of the area including the rates imposed by any separate school board and the sums required to be provided by the Board of Management for any board, commission or other body, and such estimates shall set forth the estimated revenue and expenditures in such form as the Department may prescribe and the Board of Management shall apportion the amounts required to be raised for each purpose among the municipalities within the area and the secretary-treasurer shall forthwith after such apportionment has been made certify to the clerk of each local municipality in the area the amount or rate to be levied thereon for each purpose for

the current year and the sum shall be collected and levied upon the whole rateable property within such municipality according to the last revised assessment roll, except that the amounts or rates to be levied for public school or separate school purposes shall be collected and levied upon the whole rateable property of public school supporters or separate school supporters, as the case may be, and the total of such amounts shall be collected and paid over to the Board of Management at the time and in the manner required by the Board.

(37) The Board of Management may by by-law require that the estimates for the current year for every board, commission or other body created for any of the purposes of the area and for which the Board of Management is by law required to raise or provide money shall be submitted to the Board of Management on or before the 1st day of March in each year and that such estimates shall be in the form and give the particulars that the by-law prescribes. Estimates

(38) The Board of Management in apportioning any rate or sums for any of the purposes of subsection 1 of section 305 shall add to the amount of the equalized assessment of each local municipality within the area any amounts exempted therefrom by reason of a fixed assessment or a partial or total exemption from assessment, except as provided in section 3 of *The Assessment Act*. Rates to be levied on full values
R.S.O. 1970, c. 32

(39) In raising money for any of the purposes of the Board of Management by way of debentures, the assent of the electors is not required and, for current borrowing, section 332 applies *mutatis mutandis*. Borrowing powers

(40) The Municipal Board may make such orders in respect of any matter not specifically provided for in this section as it considers expedient in connection with the area and every such order is valid and binding upon all municipalities and local boards affected thereby. Power to make additional orders, etc.

(41) The powers conferred upon the Municipal Board by this section may be exercised at any time notwithstanding any other provision in this Act or any other special or general Act and, in the event of conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail except that nothing herein affects or limits the powers of a separate school board with respect to the imposing, levying and collecting of school rates, the borrowing of money for school purposes and the making of instruments for the security of payment thereof. Conflict

(42) Any area created in unorganized territory is subject to Part III of *The Department of Municipal Affairs Act*. Unorganized territory
R.S.O. 1970, c. 118

DISSOLUTIONS

Interpre-
tation

25.—(1) In this section, “municipality” means local municipality, and includes,

- (a) a police village;
- (b) an elementary school board having jurisdiction only in territory without municipal organization;
- (c) a secondary school board having jurisdiction only in territory without municipal organization;
- (d) road commissioners under *The Statute Labour Act* having jurisdiction only in territory without municipal organization;
- (e) a board of management established under section 24.

R.S.O. 1970,
c. 445Dissolution
of municipi-
pality, etc.

- (2) Upon the application, authorized by by-law,
 - (a) of a municipality to have the municipality dissolved; or
 - (b) of a municipality to have dissolved one of its local boards that it is not required by law to have and for the dissolution of which no provision is made by law; or
 - (c) of a municipality that adjoins territory without municipal organization for the detachment from the municipality of any part or parts thereof,

the Municipal Board may by order on such terms as it may consider expedient,

- (d) dissolve the municipality; or
- (e) dissolve the local board; or
- (f) detach from the municipality such part or parts or any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day named therein.

Dissolution
of board of
management

(3) An application for the dissolution of a board of management established under section 24 may be made under subsection 2 by the board of management or by any municipality within the area for which the board of management was established.

Application
by Minister

(4) The Lieutenant Governor in Council may authorize the Minister of Municipal Affairs to apply to the Municipal Board for any purposes mentioned in clause *a*, *b* or *c* of subsection 2, and in such case the Municipal Board has the same powers as if the application had been made under subsection 2 by the municipality concerned.

Assent of
electors

(5) The Municipal Board, before proceeding with an application under subsection 2, may require the assent of the electors of the municipality.

(6) The Municipal Board, before making an order under subsection 2, shall hold a public hearing, after such notice thereof has been given as the Board may direct which shall in every case include a written notice to the Minister of Health, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. R.S.O. 1960, c. 249, s. 25 (1-6). ^{Public hearing}

(7) The Municipal Board may by any order under subsection 2 or by subsequent order or orders, ^{Powers of Board}

- (a) in the case of an application under clause *a* of subsection 2, declare that the municipality dissolved shall be an improvement district or that the lands comprising the municipality or any part or parts thereof shall be annexed to another municipality or municipalities or that the lands comprising the municipality or any part or parts thereof shall become territory without municipal organization;
- (b) in the case of an application under clause *b* of subsection 2, provide for the disposition of the assets and liabilities of the local board in such manner as may be agreed upon or, in default of agreement, as the Board considers equitable;
- (c) in the case of an application under clause *c* of subsection 2, declare that the lands detached from the applicant municipality shall be an improvement district or that such lands or any part or parts thereof shall be annexed to another municipality or municipalities or that such lands or any part or parts thereof shall become territory without municipal organization;
- (d) make all such adjustments of assets and liabilities as between any municipalities, including counties, affected by any such order as may be agreed upon or, in default of agreement, as the Board considers equitable;
- (e) define the municipality dissolved or the lands detached as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality dissolved or the lands detached shall be discharged by the imposition of rates upon the rateable property in such area or otherwise;
- (f) upon the dissolution of a police village, provide for the maintenance of any works or services previously provided within the police village by the trustees of the police village, pursuant to the provisions of any Act, upon such terms and conditions as it considers necessary or desirable, and subsections 12, 13 and 14 of section 14 apply *mutatis mutandis*;

R.S.O. 1970,
c. 354

- (g) upon the dissolution of a police village, provide for the continued operation of any local hydro-electric system previously established by the trustees of the police village under section 67 of *The Power Commission Act* and for the transfer to the council of the township of the control and management of works established for the distribution of power in the area of such police village;

R.S.O. 1970,
c. 323

- (h) appoint one or more referees, who shall have all the powers mentioned in section 52 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the disposition and adjustment of assets and liabilities and of the rights, claims, liabilities and obligations referred to in clauses *b*, *d* and *e*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting, varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;
- (i) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (j) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the dissolution or detachment provided for in the order. R.S.O. 1960, c. 249, s. 25 (7); 1965, c. 77, s. 5.

Rules, etc.

- (8) The Municipal Board may make such rules and regulations and issue such orders and directions with respect to any matter not specifically provided for in this section as it considers necessary or desirable in connection with the dissolution or detachment. R.S.O. 1960, c. 249, s. 25 (8).

Notice by
Minister
to Municipal Board
to stay
proceedings

26. When the Minister institutes an inquiry into the structure, organization and methods of operation of one or more municipalities, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications made under this Part should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1966, c. 93, s. 3.

PART II

MUNICIPAL COUNCILS—HOW COMPOSED

COUNTIES

27.—(1) The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county. County councils

(2) Where a town not being a separated town, or a village, or a township in a county, has more than 2,000 and not more than 3,000 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 3,000 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote. Vote of reeve and deputy reeve in towns, villages and townships

(3) Subsections 2, 3 and 4 of section 34 apply to this section. R.S.O. 1960, c. 249, s. 26. Application of s. 34 subss. 2-4

CITIES

28.—(1) The council of a city shall be composed of a mayor, the members of the board of control if the city has such a board, and, Councils of cities, how composed

- (a) three aldermen for each ward; or
- (b) where the council by by-law so provides, two aldermen for each ward; or
- (c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides, one alderman for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

(2) In the case provided for by clause *c* of subsection 1, or where the council of a city having a population of more than 15,000 by by-law so provides, the aldermen shall be elected by general vote, and in the latter case the number of aldermen shall be the same as if they were elected by wards. By-law for election by general vote

(3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two annual or biennial elections, as the case may be, have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual or three biennial elections, as the case may be, have been held under it. Repeal of by-law

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors. When and how by-law to be passed

When by-law to take effect

(5) Every such by-law including a repealing by-law shall take effect at and for the purposes of the municipal election next after the passing of it.

Submission of by-law on petition of electors

(6) Subject to subsection 3, where the petition of at least one-fifth of the municipal electors is presented on or before the 1st day of November in any year, praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause *c* of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition. R.S.O. 1960, c. 249, s. 27.

TOWNS

Councils of towns in unorganized territory

29.—(1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote or, where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote.

Councils of towns over 5,000

(2) If the town has a population of not less than 5,000, the council may provide that the council shall be composed of a mayor and nine councillors, or a mayor and seven councillors, to be elected by general vote.

Election by wards

(3) Where a town in unorganized territory has been divided into wards, the council may provide that the council shall be composed of a mayor and one councillor for each ward, and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. R.S.O. 1960, c. 249, s. 28.

Councils of towns of more than 5,000 in counties

30.—(1) Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and three councillors for each ward, but, if there are five or more wards, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward.

Alternate powers

(2) Where the town has less than five wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and six councillors, or a mayor, a reeve, a deputy reeve where so entitled, and four councillors, to be elected by general vote, and, where the town has five or more wards, the council may provide that the council shall be composed of a

mayor, a reeve, a deputy reeve where so entitled, and one councillor for each ward.

(3) Where the town has a population of not more than 5,000, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and, Case of town of not more than 5,000

(a) six councillors to be elected by general vote or, where the council so provides, four councillors to be elected by general vote; or

(b) where the council so provides, one councillor for each ward and the remaining councillors to complete the full number of four or six, as the case may be, to be elected by general vote.

(4) A by-law passed under section 29 or under subsection 2 or 3 of this section shall not be repealed until two annual or biennial elections, as the case may be, have been held under it. Repeal of by-law

(5) A by-law passed under section 29 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November, and shall not be passed unless it has received the assent of the municipal electors. Time for passing of by-laws; assent of electors

(6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the municipal election next after its passing. When by-law to take effect

(7) Subject to subsection 4, where a petition of not less than one-fifth of the municipal electors is presented on or before the 1st day of November in any year praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition. Submission of questions on petition of electors

(8) Subject to subsection 4, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors, presented not later in the year than the 1st day of November, shall submit the question of repealing the by-law to a vote of the electors at the next ensuing municipal election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. R.S.O. 1960, c. 249, s. 29. Submission of question of repeal

31. For the purposes of sections 28 to 30, the population shall be determined by the latest census made by the assessor under *The Assessment Act*. R.S.O. 1960, c. 249, s. 30. Population R.S.O. 1970, c. 32

VILLAGES AND TOWNSHIPS

Councils of
villages and
townships
in counties

32.—(1) In a county, the council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote. R.S.O. 1960, c. 249, s. 31 (1).

Villages
and town-
ships with
population
of 10,000
or more

(2) If a village or township in a county has a population of not less than 10,000, the council may by by-law provide that the council shall be composed of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up seven in all to be elected by general vote.

Time for
passing
by-law

(3) A by-law for the purpose mentioned in subsection 2 and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall take effect at and for the purpose of the municipal election next after the passing of it. 1966, c. 93, s. 4.

Wards

(4) Where a village or township is divided into wards, the council, notwithstanding any general or special Act, shall be composed of a reeve to be elected by general vote, and a deputy reeve and a councillor to be elected for each ward and, where there are less than five wards, the Municipal Board may by order provide for an additional councillor for any ward having a population greater than 10,000.

County
council

(5) Notwithstanding any other provision, no village or township shall have greater representation upon the county council than the reeve and one deputy reeve to be appointed by the council.

Alternative
composition
where wards

(6) The council of a village or township divided into wards may by by-law provide that thereafter the council shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000.

Repeal

(7) A by-law passed under subsection 6 shall not be repealed until at least two annual or biennial elections, as the case may be, have been held under it.

Time for
passing,
assent of
electors

(8) A by-law for the purpose mentioned in subsection 6 and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors.

Where assent
unnecessary

(9) Notwithstanding subsection 8, a by-law for the purpose mentioned in subsection 6 may be passed without the assent of the municipal electors if a by-law or a question for the division of the municipality into wards has received the assent of the municipal electors.

(10) Every such by-law, including a repealing by-law, shall take effect at and for the purpose of the municipal election next after the passing of it. R.S.O. 1960, c. 249, s. 31 (2-8). Effective date

33.—(1) In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors to be elected by general vote. Councils of villages and townships in unorganized territory

(2) If the village or township has a population of not less than 2,000, the council may provide that the council shall consist of a reeve and six councillors, a reeve and seven councillors or a reeve and nine councillors. 1966, c. 93, s. 5, *part*. Where population of 2,000 or more

(3) If the village or township has been divided into wards, the council may provide that the council shall consist of a reeve and one councillor for each ward and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. 1966, c. 93, s. 5, *part*; 1967, c. 55, s. 3. Election by wards

TOWNS, VILLAGES AND TOWNSHIPS

34.—(1) Every town not being a separated town, village and township in a county is entitled where it has more than 1,000 municipal electors to a deputy reeve. Deputy reeves

(2) The number of municipal electors shall be determined by the last revised voters' list but, in counting the names, the name of the same person shall not be counted more than once, and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 38 or who is entered on the list as a farmer's daughter or farmer's sister or farmer's son's wife shall not be counted. Number of electors, how determined

(3) It is the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the last revised voters' list at least six days before the day fixed for holding the meeting for the nomination of candidates for membership in the council to send by registered mail to the clerk of the county a certificate under his hand and the seal of the corporation, stating the total number of municipal electors according to the last revised voters' list who are to be counted under subsection 2, and to post up in his office a duplicate of such certificate. Certificate of clerk

(4) If the clerk fails to send such certificate within the prescribed time, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 and, if he certifies to a larger number of municipal electors than should be counted under subsection 2, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 249, s. 33. Offence

QUALIFICATIONS

Qualification
of
candidates

35.—(1) Every person is qualified to be elected a member of the council of a local municipality who,

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality, or is the wife or husband of such a householder and who resides in or within five miles of the municipality;
- (b) is entered on the last revised voters' list as qualified to vote at municipal elections;
- (c) is a British subject;
- (d) is of the full age of twenty-one years; and
- (e) is not disqualified under this or any other Act. R.S.O. 1960, c. 249, s. 34 (1); 1961-62, c. 86, s. 2; 1962-63, c. 87, s. 2; 1968, c. 76, s. 5.

Rating for
land

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each.

Interpre-
tation

(3) "Householder" means the person who occupies and is assessed as owner or tenant of a dwelling or apartment house or part of a dwelling or apartment house separately occupied as a dwelling.

Qualification
where land
annexed to
urban
municipal-
ity

(4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it is sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipality in which the territory was situate before its annexation, and for a sufficient amount to qualify him for election to the council of that municipality.

Qualification
in new
township

(5) Where the inhabitants of a locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election is that the person is of the full age of twenty-one years, a British subject and a householder resident in the municipality. R.S.O. 1960, c. 249, s. 34 (2-5).

DISQUALIFICATION

Persons
disqualified
from being
members of
a council

36.—(1) The following are not eligible to be elected a member of a council or entitled to sit or vote therein;

- (a) a judge of any court;
- (b) a jailer or a keeper of a lock-up;
- (c) a sheriff, deputy sheriff or sheriff's bailiff;
- (d) a chief of police of a city or town;

- (e) a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality;
- (f) a trustee of a police village unless he has before the opening of the nomination meeting filed his resignation with the township clerk;
- (g) a person, other than the head of the council or a member of council appointed under section 213 to act in place of the head of the council, who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system that is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality, and this clause has effect notwithstanding any general or special Act or any by-law of a municipal corporation;
- (h) a person other than the head of the council who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the corporation of the municipality is entrusted under *The Power Commission Act*, *The Public Utilities Act*, or any special Act unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality;
- (i) a clerk or bailiff of a small claims court;
- (j) a Crown attorney or a clerk of the peace;
- (k) a registrar or a deputy registrar of deeds;
- (l) a master of titles;
- (m) a member of a board of education or of a public, separate or secondary school board, whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the board;
- (n) a provincial judge;
- (o) a clerk of a county or district court;
- (p) a deputy clerk of the Crown or a local registrar;
- (q) a person having himself or by or with or through another an interest in any contract with the corporation or with any commission or person acting for the corporation or

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in any contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer of the corporation, or who has an unsatisfied claim for such goods or materials:

- (i) "contract" in this clause includes a contract, other than a teacher's contract, with a public or secondary school board or a board of education;
- (r) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 205, 211, 388, 389, 391 or 393 or under section 9 of *The Planning Act* or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*;
- (s) a person who, either himself or by or with or through another, is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim, action or proceeding by the corporation, but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*;
- (t) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid, but this clause does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting;
- (u) a tenant who at the time of the opening of the nomination meeting owes more than three months rent upon the property in respect of which he qualifies;
- (v) a person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario;
- (w) a person whose taxes in respect of an assessment for business at the time of the opening of the nomination meeting are overdue and unpaid. R.S.O. 1960, c. 249, s. 35 (1); 1961-62, c. 86, s. 3 (1); 1962-63, c. 87, s. 3; 1965, c. 77, s. 6; 1967, c. 55, s. 4 (1); 1968-69, c. 74, s. 3, amended.

(2) In any municipality in which under this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the next ensuing municipal election is to be held is eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office that he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid. R.S.O. 1960, c. 249, s. 35 (2).

Ineligibility of member whose term of office has not expired to qualify for another office unless he resigns his present office

(3) Subsection 1 does not apply to a person by reason only,

Disqualification not to apply in certain cases

- (a) of his being a shareholder in an incorporated company having dealings or a contract with the municipal corporation, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such incorporated company and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse;
- (b) of his being a lessee of the corporation for a term of twenty-one years or upwards of any property of the corporation;
- (c) that part of his property is exempt wholly or in part from taxation, whether such exemption is founded on an agreement with the corporation or on a by-law of the council;
- (d) of his being the proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements or notices that appear in other newspapers or periodical publications are published by the council or for which the council is a subscriber or which is furnished to any department or officer of a corporation if the same are paid for at the usual rates, and he has not agreed with the corporation to do the whole or the principal part of its printing;
- (e) of his having been appointed under section 393 and paid for his services as commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation;
- (f) of his being a consumer or taker of anything supplied by the corporation or any commission under *The Public Utilities Act* or of his having entered into a contract with the corporation or commission for the supply of it to him;

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- (g) of his having entered into an agreement of sale with a municipal housing commission;
- (h) while being a member of council, of his acting in the place and stead of the head of the council as a member of any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act;
- (i) of his purchasing or owning a debenture of the corporation;
- (j) of his being related by blood or marriage to a person employed by the corporation;
- (k) of his being entitled to or receiving a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with a municipality or local board, as defined in *The Department of Municipal Affairs Act*, from or under a contract with a municipality or a local board on or after his retirement from employment or service with the municipality or local board;
- (l) of his having entered into an agreement with the corporation in respect of the acquisition of land by the corporation for a road-widening or curve-adjustment or in a redevelopment area designated by the council with the approval of the Minister under subsection 2 of section 22 of *The Planning Act* or of his having any claim or proceeding against the corporation in respect of such acquisition of land;
- (m) of his having made a deposit with the corporation or with any local board thereof, the whole or part of which is or may be returnable to him in like manner as such a deposit is or may be returnable to all other ratepayers. R.S.O. 1960, c. 249, s. 35 (3); 1960-61, c. 59, s. 3; 1961-62, c. 86, s. 3 (2); 1966, c. 93, s. 6; 1967, c. 55, s. 4 (2); 1968, c. 76, s. 6.

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Persons not
to vote on
certain
questions

(4) A person being such a shareholder shall not vote on any question affecting the company or being such a lessee shall not vote on any question affecting his lease or his rights or liabilities thereunder, or being so exempt from taxation shall not vote on any question affecting the property so exempt, or being such a proprietor of or otherwise interested in a newspaper or other periodical publication shall not vote on any question affecting his dealings with the corporation.

Resignation,
when to
vacate seat

(5) The filing of the resignation mentioned in clause *m* of subsection 1 renders vacant the seat of the member.

(6) Notwithstanding the provisions of clause *g* of subsection 1 and of section 42 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of a transportation system mentioned in the said clause *g* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility. R.S.O. 1960, c. 249, s. 35 (4-6).

Appoint-
ments to
two com-
missions,
etc.

R.S.O. 1970,
cc. 390, 354

37. If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation is voidable at the instance of the municipality or a municipal elector thereof. R.S.O. 1960, c. 249, s. 36; 1966, c. 93, s. 7.

Contracts
by members
with corpora-
tion to be
voidable

PART III

MUNICIPAL ELECTIONS

WHO TO BE ENTERED ON VOTERS' LIST

38.—(1) Every person is entitled to be entered on the voters' list prepared under *The Voters' Lists Act* who is,

Qualifica-
tion to be
entered on
voters' list
R.S.O. 1970,
c. 485

- (a) of the full age of twenty-one years;
- (b) a British subject by birth or naturalization;
- (c) not disqualified under this Act or otherwise by law prohibited from voting; and
- (d) rated or entitled to be rated to the amount hereinafter mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant and who resides in or within five miles of the municipality, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son; or
- (e) in lieu of the qualification required by clause *d*, renting a building owned by and vested in The Hydro-Electric Power Commission of Ontario in respect of which a payment is made under subsection 2 of section 47, of *The Power Commission Act* in any year, the assessed value of which, when added to the assessed value of the land on

which it is located, amounts to a sum that would entitle such person to be rated on the last revised assessment roll as tenant if the land and building were owned or held by any other person, or who is the wife or husband of such person. R.S.O. 1960, c. 249, s. 37 (1); 1962-63, c. 87, s. 4.

Amount of
rating
necessary

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each to an amount not less than,

- (a) in villages and townships, \$100;
- (b) in towns having a population not exceeding 3,000, \$200;
- (c) in towns having a population exceeding 3,000, \$300;
- (d) in cities, \$400.

Where
owner and
occupant
severally
rated

(3) If both the owner and the occupant are severally but not jointly rated, each shall be deemed to be rated.

Joint
tenancy

(4) If the rating of land owned or occupied by two or more persons jointly and not severally is sufficient, if equally divided among them, to give a qualification to all, each of them shall be deemed to be rated within the meaning of this section, and if such rating is insufficient to qualify all, so many of them shall be deemed to be rated within the meaning of this section as will result in whole numbers from a division of the minimum rating prescribed by subsection 2 into the total rating of the land, and in such case the persons who shall be deemed to be rated shall be named in a writing to be signed by all such joint owners or occupants and upon such nomination being filed with the clerk. R.S.O. 1960, c. 249, s. 37 (2-4).

Farmers'
sons,
daughters
and sisters
R.S.O. 1970,
c. 32

(5) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or a farmer's sister, by reason of not having resided on the farm as therein required, is entitled to be entered on the voters' list if he or she has the other qualifications a farmer's son, or a farmer's daughter, or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father or mother or brother for the twelve months next preceding the date of the final revision of the assessment roll or for the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, and, where under the provisions hereof a farmer's son is entered on the list, his wife, if otherwise qualified, shall also be entered thereon. R.S.O. 1960, c. 249, s. 37 (5); 1968-69, c. 74, s. 4 (1).

R.S.O. 1970,
c. 485

Occasional
or tem-
porary
absence

(6) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months does not disentitle a farmer's son, farmer's daughter or farmer's sister to be entered on the voters' list. R.S.O. 1960, c. 249, s. 37 (6).

(7) Where after the voters' list has been finally revised the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom, he may, if such person is entered on the last revised assessment roll, or has been added to the assessment roll under section 44 of *The Assessment Act*, and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised. R.S.O. 1960, c. 249, s. 37 (7); 1968-69, c. 74, s. 4 (2).

Certificate
for voters
if names
omitted

R.S.O. 1970,
c. 32

(8) Where after the voters' list has been finally revised and the name of a person entitled to be entered thereon under this section has been omitted therefrom because such person is entered on the assessment roll as an alien, if such person produces for the inspection of the clerk his certificate of naturalization or other conclusive evidence that he is not an alien and is not otherwise disqualified, the clerk may issue a certificate (Form 10) authorizing the returning officer, the proper deputy returning officer or proper poll clerk to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised. R.S.O. 1960, c. 249, s. 37 (8).

Idem

(9) Where after the voters' list has been finally revised and the name of a person entitled to be entered thereon under this section by reason of being the wife or husband of a person rated or entitled to be rated for land as owner or tenant has been omitted therefrom, if the person rated or entitled to be rated for land as owner or tenant is entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act* and such wife or husband is not otherwise disqualified, the clerk shall issue a certificate (Form 10) authorizing the returning officer or proper deputy returning officer or proper poll clerk to enter the name of such wife or husband on the voters' list to entitle her or him to vote as if her or his name had been entered thereon before the list was revised. R.S.O. 1960, c. 249, s. 37 (9); 1967, c. 55, s. 5; 1968-69, c. 74, s. 4 (3).

Idem

RIGHT TO VOTE

39. Subject to section 41 and 42, every person whose name is entered on the proper voters' list is entitled to vote at a municipal election, except that in the case of the wife or husband of a tenant she or he is not entitled to vote unless the tenant is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of a farmer's son or farmer's daughter, or farmer's sister, he or she is a resident of the municipality at the date of the election. R.S.O. 1960, c. 249, s. 38.

Right to
vote at
municipal
elections

Qualifications not to be questioned at election except as to non-residence

40. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter, or farmer's sister, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election. R.S.O. 1960, c. 249, s. 39.

Persons in default for non-payment of taxes not to vote

41.—(1) No person whose name appears on the defaulters' list provided for by section 84 is entitled to vote in respect of real property in a municipality the council of which has passed a by-law under paragraph 52 of subsection 1 of section 354, unless at the time of tendering his vote he produces and leaves with the deputy returning officer a certificate from the treasurer, or the collector, showing that the taxes in respect of which the default was made have since been paid.

Certificate to be filed

(2) The deputy returning officer shall file the certificate and note the same on the defaulters' list. R.S.O. 1960, c. 249, s. 40.

Clerk may give a casting vote only

42. The clerk of the municipality is not entitled to vote except to give a casting vote as provided by section 122. R.S.O. 1960, c. 249, s. 41; 1965, c. 77, s. 7.

Where territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such territory

43. Where territory has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory erected into a town, or a new town or village erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory, or for the new town or village, is certified by the judge, all persons who would have been qualified as municipal electors if such addition had not been made or the new town or village erected are entitled to vote in the city, town or village at such election. R.S.O. 1960, c. 249, s. 42.

NOMINATION MEETING

Nomination and polling days

44.—(1) Except when otherwise provided by by-law passed in accordance with this Act, a meeting of the electors shall take place annually for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors at the hall of the municipality at noon on the last Monday in December and the day for polling shall be the first Monday in January next thereafter.

(2) When the last Monday in December is Christmas Day, the nomination meeting shall be held on the preceding Friday. When nomination day falls on Christmas

(3) The council may by by-law passed not later in the year than the 1st day of November fix the place and time of the nomination meeting and when the election for any office is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof, and the by-law remains in force from year to year until repealed. R.S.O. 1960, c. 249, s. 43. Power to fix place and hour of nomination meeting

45.—(1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law remains in force from year to year until repealed, but no such by-law shall be amended or repealed after the 1st day of November in any year. Power to fix nomination and polling days

(2) The by-law shall fix the place and the time of the nomination meeting, and when the election is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices, and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof. Time and place of nomination meetings

(3) Where a township adjoins an urban municipality, a place within the urban municipality may be designated as the place for holding the nomination meeting of the township. R.S.O. 1960, c. 249, s. 44. Where a township adjoins an urban municipality

46. The returning officer shall give notice of the nomination meeting, at least six days before the meeting, by publication in a newspaper having general circulation in the municipality and, in any township where there is not newspaper having general circulation, by posting notice thereof in at least two conspicuous places in the township, and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated. R.S.O. 1960, c. 249, s. 45; 1961-62, c. 86, s. 4. Notice

47.—(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 46 and the candidates for each office shall be proposed and seconded *seriatim*. R.S.O. 1960, c. 249, s. 46 (1). Nomination meetings procedure

Notice to be displayed at place of meeting

(2) The returning officer shall, before calling the nomination meeting to order, prominently display in one or more locations in the place of the nomination meeting three or more copies of the notice required under section 46. 1961-62, c. 86, s. 5 (1).

Nomination papers

(3) Every nomination shall be in writing and state the name, residence and occupation of the candidate and the residence and occupation of the proposer and seconder and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present, and shall be filed with the returning officer within one hour from the opening of the nomination meeting.

Effect of non-compliance with subs. 1 or 3

(4) Failure to comply with subsection 1 or 3 does not invalidate any nomination if it is received and acted upon by the returning officer without objection.

When proposed candidate absent

(5) Where a proposed candidate is not present, his nomination paper is not valid unless there is evidence satisfactory to the returning officer that he consents to be so nominated.

Posting up of candidates' names, etc.

(6) The name, residence and occupation of every person nominated for the respective offices shall be posted up as the nomination papers are filed.

Resignation of candidates

(7) At the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, a candidate may resign in respect of one or more offices for which he is nominated by filing his resignation in writing with the returning officer or the clerk and in default he shall be deemed to be nominated for the office for which he was first nominated. R.S.O. 1960, c. 249, s. 46 (2-6).

Qualification of candidate

(8) When a candidate makes the filings mentioned in subsection 1 of section 49 by filing them with the returning officer or the clerk at the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, he shall be deemed to have resigned as candidate for all other offices for which he was nominated. R.S.O. 1960, c. 249, s. 46 (7); 1961-62, c. 86, s. 5 (2).

Close of meeting

(9) The returning officer shall not close the nomination meeting until such business as he considers may properly be brought before it has been disposed of.

Furnishing of certificates

(10) The treasurer or collector of the municipality shall be in attendance at his office, or such place as is designated by the council, at least one hour prior to the holding of the nomination meeting for the purpose of furnishing the certificates referred to in subsection 1 of section 49. R.S.O. 1960, c. 249, s. 46 (8, 9).

Names of candidates to be posted up

48. Immediately following the nomination meeting, the returning officer shall post up in the office of the clerk the name, residence and occupation of every person nominated for the respective offices. R.S.O. 1960, c. 249, s. 47.

49.—(1) Before 9 o'clock in the afternoon of the day following the nomination meeting, provided that where such day is a holiday, not on such day but before noon on the following day, every candidate shall file in the office of the clerk, Declaration of qualification, etc.

- (a) a declaration of qualification (Form 1);
- (b) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying or a statutory declaration to the same effect or a statutory declaration that he is qualifying in respect of land of which he is a tenant where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and that the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting; and
- (c) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes against him in respect of an assessment for business or a statutory declaration to the same effect. R.S.O. 1960, c. 249, s. 48 (1); 1967, c. 55, s. 6; 1968, c. 76, s. 7.

(2) When a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the prescribed time and it appears to the clerk that the candidate is qualified to be elected, any municipal elector may in lieu of such declaration file within the prescribed time a declaration stating that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualifications prescribed for the office for which he has been nominated and that if elected he will accept the office. Absence or illness of candidates

(3) Any person who has made the filings required by subsection 1 may resign in writing signed by him and attested by a witness and delivered to the clerk within the time prescribed in subsection 1. Withdrawal of candidates

(4) The clerk's office shall remain open until 9 o'clock in the afternoon of the day following the nomination meeting, but if that day is a holiday it shall be closed, in which case it shall remain open the following day until noon, so that filings may be made. Clerk's office to remain open

(5) The clerk shall not place on the ballot paper the name of a candidate who fails to make the filings required by subsection 1 or on whose behalf a declaration has not been filed under subsection 2. R.S.O. 1960, c. 249, s. 48 (2-5). Failure to file

50. If no more candidates qualify for any office than the number to be elected, the clerk shall forthwith after the expiry of the time prescribed in section 49 declare the candidate or candidates duly elected. R.S.O. 1960, c. 249, s. 49. Acclamations

New
election

51. Where from any cause the requisite number of persons is not elected, the clerk shall cause a new election to be held as soon as practicable to fill the vacancies, and, until such election is held and the council, or sufficient members to exceed one-half thereof when complete, is elected, the council of the preceding year shall continue in office. R.S.O. 1960, c. 249, s. 50.

Election
in case of
death of
candidate

52. If, as a result of a candidate for any office dying after having qualified and before the close of the poll,

- (a) a person would be elected by acclamation to such office, the returning officer shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election; or
- (b) no person would be elected by acclamation to such office, the returning officer shall omit the name of the deceased candidate from the ballot and the election shall be proceeded with as if the deceased candidate had not been a candidate. 1961-62, c. 86, s. 6.

Term of
office

53. The members of a council shall hold office until their successors are elected and the new council is organized. R.S.O. 1960, c. 249, s. 52.

Two-year
term

54.—(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of the council of the municipality shall be two years.

Biennial
elections,
staggered
system

- (2) A by-law passed under subsection 1 may provide,
 - (a) for biennial elections, in which case an election shall be held every two years; or
 - (b) for the staggered system of elections in which case an election shall be held every year.

Biennial
elections

(3) Where the by-law provides for biennial elections, all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term.

Staggered
system

- (4) Where the by-law provides for the staggered system,
 - (a) the mayor, the reeve and the deputy reeve or deputy reeves elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term;
 - (b) the one-half of the members of the board of control, other than the mayor, receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the other

one-half shall remain in office for a one-year term and thereafter each member of the board of control shall be elected for a two-year term;

- (c) where other members of council are elected by general vote, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter each member shall be elected for a two-year term;
- (d) where other members of council are elected by wards and two or more members other than a deputy reeve are elected in a ward, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes in the ward at the election next after the passing of the by-law shall remain in office for a two-year term, and the remainder shall remain in office for a one-year term, and thereafter each member shall be elected for a two-year term;
- (e) where other members of council are elected by wards and only one member other than a deputy reeve is elected in a ward, the member elected in the ward at the election next after the passing of the by-law shall remain in office for a one-year term and thereafter the member for the ward shall be elected for a two-year term.

(5) Where a by-law providing for the staggered system is passed and the full number of members of the board of control, or the full number of members to be elected by general vote, or the full number of members to be elected in a ward, are elected by acclamation at the election next after the passing of the by-law, the affected members so elected may at the first meeting of the new council agree as to which of them shall remain in office for a two-year term and which for a one-year term, and failing agreement the question shall be determined by lot cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes. R.S.O. 1960, c. 249, s. 53 (1-5). Acclamations

(6) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of council of the municipality shall be three years, and all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a three-year term. 1966, c. 93, s. 8 (1). Triennial elections

(7) Where a by-law has been or is passed under subsection 1 or 6, the council may by by-law passed not later in the year than the 1st day of November provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* shall Local boards
R.S.O. 1970,
c. 118

that is designated in the by-law shall, notwithstanding any general or special Act, be elected at the same time and hold office for the same term as the members of the council and, where the power conferred by this subsection is exercised in respect of any local board, all the elected members of such board in office when the by-law is passed cease to hold office at the end of the year in which the by-law is passed and subsection 3 or subsections 4 and 5 apply *mutatis mutandis*. R.S.O. 1960, c. 249, s. 53 (6); 1966, c. 93, s. 8 (2).

Time for
passing
by-law
under
subs. 7

(8) A by-law under subsection 7 shall be passed not later in the year than the 1st day of November and,

- (a) where the by-law under subsection 1 provides for biennial elections, shall be passed in the year in which the by-law under subsection 1 is passed or in any year in which a nomination meeting is to be held in respect of a biennial election;
- (b) where the by-law under subsection 1 provides for the staggered system of elections, may be passed in the year in which the by-law under subsection 1 is passed or in any subsequent year;
- (c) where the by-law under subsection 6 provides for triennial elections, shall be passed in the year in which the by-law under subsection 6 is passed or in any year in which a nomination meeting is to be held in respect of a triennial election. R.S.O. 1960, c. 249, s. 53 (7); 1966, c. 93, s. 8 (3).

Time for
passing
by-law,
assent of
electors

(9) A by-law under subsection 1 or 6 and a by-law repealing such a by-law shall be passed not later in the year than the 1st day of November and a by-law providing for the staggered system of elections shall not be passed unless it has received the assent of the electors. R.S.O. 1960, c. 249, s. 53 (8); 1966, c. 93, s. 8 (4).

Repeal

(10) Subject to section 55, where a by-law passed under subsection 1 or 6 is repealed, the members of the council and, where the power conferred by subsection 7 has been exercised, the elected members of any local board affected cease to hold office,

- (a) where the staggered system of elections has been provided, at the end of the two-year term of office, of the mayor, the reeve and the deputy reeve or deputy reeves;
- (b) where biennial or triennial elections have been provided, at the end of the two-year or three-year term of office, as the case may be,

and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1 or 6. 1966, c. 93, s. 8 (5).

55.—(1) Notwithstanding any general or special Act, where a by-law providing for biennial elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for the staggered system of elections.

Change from
biennial to
staggered
system

(2) Where a by-law is passed under subsection 1, the members of the council and, where the power conferred by subsection 7 of section 54 has been exercised, the elected members of any local board affected cease to hold office at the end of the year in which the by-law is passed and subsections 4 and 5 of section 54 apply *mutatis mutandis*.

Idem

(3) Notwithstanding any general or special Act, where a by-law providing for the staggered system of elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for biennial elections.

Change from
staggered to
biennial
system

(4) Where a by-law is passed under subsection 3, the members of the council and, where the power conferred by subsection 7 of section 54 has been exercised, the elected members of any local board affected cease to hold office at the end of the year in which the by-law is passed and subsection 3 of section 54 applies *mutatis mutandis*.

Idem

(5) A by-law under subsection 1 or 3 shall be passed not later in the year than the 1st day of November and a by-law under subsection 1 shall not be passed unless it has received the assent of the electors. R.S.O. 1960, c. 249, s. 54.

Time for
passing of
by-law,
assent of
electors

56. Subject to subsection 3 of section 45 and to section 64, the election shall be held in the municipality. R.S.O. 1960, c. 249, s. 55.

Election to
be held in
municipality

57.—(1) The council of every local municipality in which the election is by wards or polling subdivisions shall from time to time appoint,

Appointment
of places for
nomination
and polling,
deputy
returning
officers, etc.

- (a) the places for holding the nominations for each ward;
- (b) a returning officer to hold the nomination for each ward;
- (c) the places at which polls shall be opened if a poll is required;
- (d) a deputy returning officer and a poll clerk for each polling place.

(2) In a city having a population of not less than 100,000, the returning officers, deputy returning officers and poll clerks shall be appointed on the recommendation of the clerk, and such appointments shall be made at least one month before polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside.

Election
officers, how
appointed in
cities over
100,000

Poll clerk
refusing to
act, etc.

(3) If a poll clerk signifies to the returning officer in writing that he will not act, the returning officer shall appoint another person to act in his place.

Appoint-
ment of poll
clerk by
D.R.O.

(4) If a poll clerk does not attend at the opening of the poll, the deputy returning officer shall appoint another person to act in his place.

Election
assistants

(5) The council on the recommendation of the clerk may appoint such election assistants, not exceeding one for each polling place, as may be considered necessary to assist the deputy returning officers and poll clerks in the conduct of the election, and every such assistant shall be authorized in writing to enter, remain and assist in any polling place during any part of the time the poll is open and at the counting of the votes. R.S.O. 1960, c. 249, s. 56.

Clerk to be
returning
officer for
whole
municipi-
ality

58. Except as provided in section 472, the clerk shall be the returning officer for the whole municipality and, if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions. R.S.O. 1960, c. 249, s. 57.

Polling sub-
divisions
and places

59.—(1) By-laws may be passed by local municipalities for dividing the municipality or, where the municipality is divided into wards, the wards into two or more polling subdivisions and for establishing one or more polling places in each polling subdivision.

Polling
places to be
provided

(2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors and, where there are two or more polling places in a polling subdivision, each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets that designate the properties in respect of which the electors are qualified to vote therein, or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be.

Boundaries
to be
defined

(3) Every polling subdivision shall have well-defined boundaries and shall be formed in the most convenient manner so that the number of electors entitled to vote in each polling place shall as nearly as possible equal but not exceed 450, determined by the last revised assessment roll.

Polling sub-
division to
be in one
electoral
district

(4) A polling subdivision shall not include territory in more than one electoral district.

Where
electors
exceed 450

(5) Where the clerk finds that the number of electors in a polling subdivision or polling place exceeds 450, he shall notify the council of such fact.

(6) Where the number of electors in a polling subdivision or polling place exceeds 450 or where the council is of opinion that the convenience of the electors will be promoted, the council may make a redivision of the polling subdivisions or polling places so that the polling subdivisions and polling places will conform with this section. Redivision

(7) When a polling subdivision or polling place is created or altered after the publication of the voters' lists, such creation or alteration shall not take effect until the next voters' lists are being prepared. When re-
division to
take effect

(8) The polling subdivisions shall be numbered consecutively and, where there is more than one polling place in a polling subdivision, such fact shall be indicated and a copy of the by-law by which they are established certified under the seal of the corporation and the hand of the clerk to be a true copy shall forthwith after the passing thereof be filed by the clerk in the office of the clerk of the peace for the county or district in which the municipality is situate. Subdivisions
to be
numbered

(9) Any five electors may at any time within two months after such filing appeal in respect of any polling subdivision to the judge of the county or district court of the county or district, who has power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required. Appeal

(10) An election is not irregular or void or voidable for the reason that a polling subdivision that contains more than the prescribed number of electors has not been divided. R.S.O. 1960, c. 249, s. 58. Election
not to be
voided if
subdivision
is wrongly
formed

60. By-laws may be passed by the councils of local municipalities for uniting for any purpose any two adjoining subdivisions and establishing one polling place therefor. R.S.O. 1960, c. 249, s. 59. Uniting
polling sub-
divisions

61.—(1) By-laws may be passed by the councils of local municipalities for providing that either, or both, public and separate schoolhouses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such schoolhouse or public building may be used, although it is not situated in the polling subdivision or polling subdivisions for which it is used. Using
public and
separate
schools for
polling
places

(2) Where a schoolhouse is so used, the council shall forthwith pay to the board having control of the schoolhouse a sum sufficient to cover any damage done to it and any expense for cleaning or otherwise caused by such use. Payment
therefor

Consent of
school
board

(3) No school shall be so used without the consent of the board having control of such school. R.S.O. 1960, c. 249, s. 60 (1-3).

Constable
may attend
each such
polling place

(4) The board of commissioners of police or the chief of police may cause one or more constables or clerks, as the case may be, to attend at each polling place in a schoolhouse or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer. R.S.O. 1960, c. 249, s. 60 (4); 1965, c. 77, s. 9, *amended*.

Polling
places

62. In any local municipality where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by the council of the municipality for providing a polling place for the polling subdivision in an adjoining polling subdivision. R.S.O. 1960, c. 249, s. 61.

In certain
cases clerk
may choose
polling place

63. Where a polling place has been appointed for holding an election, or for taking a vote in a local municipality, and it is afterwards found that the building cannot be obtained, or is unsuitable for the purpose, the clerk may select in lieu of it the nearest suitable building that is available, and he shall post up and keep posted up a notice on the building named in the by-law, and in two other conspicuous places nearby, directing the voters to the place so selected. R.S.O. 1960, c. 249, s. 62.

Place of
polling

64. The council of a township in which an urban municipality is situate may fix the place of polling for any adjoining subdivision within the limits of the urban municipality. R.S.O. 1960, c. 249, s. 63.

Returning
officer where
election not
by polling
subdivi-
sions

65.—(1) In a local municipality that is not divided into polling subdivisions, the clerk or such person as the council may appoint to act in the absence of the clerk through illness or otherwise shall be the returning officer for the nomination of candidates.

Polling
place

(2) The council shall from time to time appoint the place at which the poll shall be opened if a poll is required. R.S.O. 1960, c. 249, s. 64.

Place for
nomination
and polling
where coun-
cil fails to
fix places

66.—(1) Where a by-law to appoint the place for holding any meeting required to be held for the nomination of candidates is necessary and the council fails to pass it, the meeting shall be held at the place at which the nomination for the next preceding election was held.

Idem

(2) Where the council fails to appoint all or any of the places at which a poll is to be opened if a poll is required, as to such of them as are not appointed, the polls shall be opened at the place or places at which the polling took place at the next preceding election. R.S.O. 1960, c. 249, s. 65.

67.—(1) Where the returning officer for any ward notifies the clerk that he is unable or that he refuses to act or does not attend at the time and place appointed by the clerk to receive his instructions and nomination papers, or where a deputy returning officer does not attend at the time and place at which he is required by the clerk to attend to receive his ballot box, voters' lists and other election papers, the clerk shall appoint another person to act in his place.

Refusal or neglect of returning officer or deputy returning officer to perform his duties

(2) If at the time and place appointed for holding a nomination the returning officer does not attend to hold the nomination within fifteen minutes after the time appointed or if no returning officer has been appointed, the electors present at the place for holding the nomination may choose from amongst themselves a returning officer to hold the nomination.

When electors may choose returning officer

(3) If at the time and place appointed for holding the poll the deputy returning officer does not attend within one hour after the time appointed, the clerk shall appoint another person to act in his place and shall furnish him with a ballot box, voters' lists and other election papers.

Deputy returning officer not attending at poll

(4) In a city having a population of not less than 100,000, a deputy returning officer shall not be appointed unless a poll clerk has not been appointed or if appointed is not present, but the poll clerk shall act as deputy returning officer and he shall appoint some other person to be poll clerk.

When poll clerk to act as deputy

(5) If, during the polling, the returning officer or the deputy returning officer at a polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk shall act in his place and shall perform all the duties of a returning officer or deputy returning officer, and may appoint some other person to act as poll clerk. R.S.O. 1960, c. 249, s. 66.

Where returning officer or deputy is unable to perform his duties

68.—(1) A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the close of the election or of the voting on a by-law shall be a conservator of the peace and has all the powers of a justice of the peace.

Returning officers and deputy returning officers to be conservators of the peace

(2) A returning officer, a deputy returning officer or a justice of the peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person whom he on reasonable and probable grounds believes to have contravened clause *g* of section 131, or who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting, as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or justice of the

Arrest of person disturbing peace

peace in the performance of his duties under this subsection. R.S.O. 1960, c. 249, s. 67.

Special constables may be sworn in

69. A returning officer, a deputy returning officer or a justice of the peace may appoint and swear in as many special constables to assist in the preservation of the peace and order as he may consider necessary, and any person liable to serve as constable and required by a returning officer, a deputy returning officer or a justice to be sworn in as a special constable, if he refuses to be sworn in or to serve, is guilty of an offence and on summary conviction is liable to a fine of \$20. R.S.O. 1960, c. 249, s. 68.

BALLOT BOXES

Ballot boxes to be furnished

70.—(1) Where a poll is required, the clerk shall procure as many ballot boxes as there are polling subdivisions.

How made

(2) The ballot boxes shall be made of durable material, provided with lock and key, and so constructed that the ballot papers can be deposited therein and cannot be withdrawn without unlocking the box.

Delivery to deputy returning officers

(3) At least two days before polling day, the clerk shall deliver a ballot box to every deputy returning officer.

Clerk to preserve boxes for future elections

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at future elections, and he shall have ready for use, at all times, as many ballot boxes as there are polling subdivisions.

Offence

(5) If the clerk fails to provide the ballot boxes, he is guilty of an offence and on summary conviction is liable to a fine of \$100 in respect of every ballot box that he fails to provide.

Deputy returning officers to procure boxes when not supplied

(6) A deputy returning officer who has not been provided with a ballot box within the time prescribed shall forthwith procure one to be made, and he may make a requisition upon the treasurer for payment of the cost of it, and the treasurer shall pay the cost to the deputy returning officer. R.S.O. 1960, c. 249, s. 69.

BALLOT PAPERS

Ballot papers to be printed

71. Where a poll is required, the clerk shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election. R.S.O. 1960, c. 249, s. 70.

Ballot papers, where election is by wards

72.—(1) In cities and towns in which the aldermen or councillors are elected by wards, there shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for mayor, another set for all the polling subdivisions containing the names of the candidates for reeve, or reeve and deputy reeves, and another set for each ward containing the names of the candidates for aldermen or councillors for the ward.

(2) In cities and towns where the aldermen or councillors are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballot papers containing the names of the candidates for mayor or mayor and reeve or mayor, reeve and deputy reeves, and another set containing the names of the candidates for aldermen or councillors.

where
aldermen or
councillors
elected by
general
vote

(3) In villages and townships, there shall be prepared one set of ballot papers containing the names of the candidates for reeve or reeve and deputy reeves and for councillors.

for town-
ships and
villages

(4) There shall also be separate sets of ballot papers for controllers and public utility commissioners.

for con-
trollers, etc.

(5) In a town, the council may by by-law provide that the ballot papers for mayor, reeve and deputy reeve shall be prepared in separate sets and, in a village or township, the council may by by-law provide that the ballot papers for reeve, deputy reeve and councillors shall be prepared in separate sets.

in towns,
villages and
townships

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the year than the 1st day of November and remains in force until repealed, and while in force the ballot papers (Form 3, 5 or 6) shall be varied accordingly. R.S.O. 1960, c. 249, s. 71.

When
by-law to
be passed

73.—(1) The ballot papers shall be according to Form 3, 5 or 6, and shall contain the names of the candidates arranged alphabetically in the order of their surnames or, if there are two or more candidates for the same office with the same surname, in the order of their given names.

Form of
ballot
papers

(2) In cities having a population of not less than 200,000, the ballot papers shall be according to Form 4 and shall contain the names of the candidates arranged as set forth in subsection 1.

Form of
ballot
papers
in certain
cities

(3) In any municipality, the form of any ballot paper may by by-law be varied by stating in respect of each office the number of candidates for such office for which the voters are entitled to vote. R.S.O. 1960, c. 249, s. 72.

Power to
vary

74.—(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers in such form as the by-law prescribes which shall contain the names of the candidates for each office arranged alphabetically in the order of their surnames or, if there are two or more candidates for the same office with the same surname, in the order of their given names.

Composite
ballot
papers
authorized

(2) A composite ballot may contain,

Contents

(a) the names of candidates for the offices of a council,

board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality or any one or more of such offices; and

- (b) any municipal question or by-law on which a vote is to be taken.

Idem

(3) No elector shall be given a composite ballot paper containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote. R.S.O. 1960, c. 249, s. 73.

Voting machines

75. In place of using ballot papers under this Act, with the approval of the Department, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of voting machines for one or more polling subdivisions. R.S.O. 1960, c. 249, s. 74.

POLLING PLACES

Clerk to furnish deputy returning officers with ballot papers, etc.

76. Before opening the poll, the clerk shall deliver to every deputy returning officer the ballot papers for use in the polling subdivision for which he has been appointed, and shall furnish him with the materials necessary to enable voters to mark their ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the use of voters. R.S.O. 1960, c. 249, s. 75.

Compartment for marking ballots

77. Every polling place shall be furnished with a compartment in which the voters can mark their ballot papers screened from observation and, if it is not provided by the corporation, the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 70. R.S.O. 1960, c. 249, s. 76.

DIRECTIONS TO VOTERS

Directions to voters to be printed

78. The clerk shall cause to be printed in conspicuous type a sufficient number of the directions for the guidance of voters (Form 7), for the purposes of election, and shall deliver to every deputy returning officer as many of the printed directions, but not fewer than five, as the clerk considers sufficient. R.S.O. 1960, c. 249, s. 77.

Deputy returning officers to placard the directions

79. Every deputy returning officer, before opening the poll, or immediately after he has received the printed directions from the clerk, if they were not received before opening the poll, shall cause them to be placarded outside the polling place, and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R.S.O. 1960, c. 249, s. 78.

VOTERS' LISTS, POLL BOOKS

80. The proper list of voters to be used at an election is the last municipal voters' list certified under *The Voters' Lists Act* with the supplementary list, if any, under section 82 or the list provided for by section 83. R.S.O. 1960, c. 249, s. 79.

Proper voters' list to be used at an election
R.S.O. 1970, c. 485

81. For the first election in a new municipality for which there is no assessment roll, the clerk instead of a voters' list shall provide every deputy returning officer with a poll book (Form 8), and the deputy returning officer or the poll clerk shall enter in it in the proper column the name of every person who tenders his vote and, at the request of any candidate or voter, shall note opposite the name of such person the property in respect of which he claims to be entitled to vote. R.S.O. 1960, c. 249, s. 80.

For first election in new municipality

82.—(1) Where the whole or any part of a municipality, or locality without municipal organization, has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in the municipality annexed or such part of a municipality, locality, territory or for the new town or village is certified, the clerk of the municipality to which the same was added and, in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality annexed, or of the municipality from which such part of a municipality, locality, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in the municipality annexed and in such part of a municipality, locality or territory if it had not been so detached.

Voters' lists on formation of new corporation, etc.

(2) The supplementary list shall be signed by the clerk and attested by his declaration, and he shall deliver to every deputy returning officer a copy of so much of such list as relates to his polling subdivision. R.S.O. 1960, c. 249, s. 81.

Clerk's duties as to supplementary lists

83. In a municipality for which there is an assessment roll, but for which there is no voters' list certified, the clerk shall, before the poll is opened, prepare and deliver to the deputy returning officer for every polling subdivision a list signed by him and attested by his declaration, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision. R.S.O. 1960, c. 249, s. 82.

Voters' list, when clerk to prepare

LIST OF DEFAULTERS IN PAYMENT OF TAXES

84.—(1) In municipalities, the councils of which have passed by-laws under paragraph 52 of subsection 1 of section 354, the treasurer of each local municipality, if the collector's roll has been

Preparation of list of defaulters

returned to him or the collector, if the roll has not been so returned, shall, on or before the day fixed for nomination at the election, prepare and verify by his declaration and deliver to the clerk an alphabetical list of all persons entered on the voters' list whose taxes in respect of land are overdue and unpaid.

List to be made for each polling subdivision

Certified copies to be furnished

(2) Where a municipality is divided into polling subdivisions, such a defaulters' list shall be made for each polling subdivision.

(3) The person who prepares the defaulters' list shall furnish to all persons applying for the same certified copies of it and of the declaration, in the same manner as and for the same compensation for which copies of the voters' list are to be furnished. R.S.O. 1960, c. 249, s. 83.

[NOTE.—See section 41 as to effect of default and payment of taxes before voting.]

Delivery of copies of voters' list, poll book and defaulters' list to D.R.O.

85.—(1) The clerk, before the poll is opened, shall at a time and place appointed by him deliver to the deputy returning officer for every polling subdivision a list, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling subdivision, together with a blank poll book (Form 8), and also a copy of the proper defaulters' list prepared under section 84 for the polling subdivision.

Copies may be prepared by clerk of municipality or procured from clerk of peace

(2) The list of voters may be prepared by the clerk or may be procured from the clerk of the peace, and in the latter case the clerk of the peace is entitled to 6 cents for every ten voters whose names are on the list. R.S.O. 1960, c. 249, s. 84.

CERTIFICATES AS TO THE ASSESSMENT ROLL

Clerk to give certificate of dates of final revision of assessment roll, etc.

86.—(1) The clerk, before the poll is opened, shall deliver to every deputy returning officer a certificate (Form 9) of,

- (a) the date of the return of the assessment roll upon which the voters' list is based; and
- (b) the last day for making complaints to the judge with respect to the voters' list to be used at the election.

Fee for certificate

(2) The clerk shall also give to any person applying for it a like certificate upon payment of 25 cents.

Offence

(3) For every contravention of subsection 2, the clerk is guilty of an offence and on summary conviction is liable to a fine of \$200. R.S.O. 1960, c. 249, s. 85.

IN MUNICIPALITIES WITHOUT POLLING SUBDIVISIONS

In municipalities not divided into polling subdivisions, clerk to perform duties of deputy returning officers

87. In municipalities not divided into polling subdivisions, the clerk shall perform the duties that in other cases are performed by deputy returning officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of

the date of the return of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list, and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision. R.S.O. 1960, c. 249, s. 86.

WHERE AND HOW OFTEN ELECTORS MAY VOTE

88.—(1) An elector is entitled to vote,

(a) once only for mayor, controller, reeve, deputy reeve;

(b) where the election is by general vote, once only for as many candidates for any office as there are offices to be filled, and once only for each of them.

Number of
votes that
may be
given by
each elector

(2) Where the election is by general vote and an elector is qualified to vote in more than one ward or polling subdivision, he shall vote only in that in which he resides if qualified to vote there or, if not qualified to vote there or if he is not a resident of the municipality, he may elect at which of such wards or polling subdivisions he will vote and shall vote there only.

Where
election by
general vote

(3) Where the aldermen or councillors are elected by wards, an elector if qualified to vote therein may vote in each ward for as many candidates as there are offices to be filled and once only for each of them. R.S.O. 1960, c. 249, s. 87.

Where
aldermen,
etc., elected
by wards

89.—(1) The clerk, at the request of an elector who has been appointed deputy returning officer, poll clerk, special constable or agent of a candidate, for any polling place other than the one at which he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during polling day, and the certificate shall state the property or other qualification in respect of which he is entitled to vote.

Certificate
to entitle
deputy
returning
officers, poll
clerks, and
agents to
vote where
stationed

(2) On the production of the certificate, such elector has the right to vote at the polling place at which he is stationed instead of at the polling place at which he would otherwise be entitled to vote, and the deputy returning officer shall attach the certificate to the voters' list.

Right to
vote on pro-
duction of
certificate

(3) The certificate does not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, special constable or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote.

Certificate
only to
entitle
officials who
act

(4) If a deputy returning officer votes at the polling place for which he has been appointed, the poll clerk or, in his absence, any elector entitled to be present may administer to the deputy

Who to
administer
oath

returning officer the oath required by law to be taken by voters. R.S.O. 1960, c. 249, s. 88.

THE POLL

Time for
opening and
closing poll

90.—(1) Subject to subsection 2, the poll shall be opened at every polling place at 9 o'clock in the forenoon and shall be kept open until 5 o'clock in the afternoon of the same day.

Idem

(2) The council of a municipality may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between 8 o'clock in the forenoon and 9 o'clock in the afternoon and any such by-law remains in force from year to year until repealed.

By-election

(3) In the case of a by-election to fill a vacancy in the office of a member of a council, a by-law for the purposes set out in subsection 2 may be passed at least six days before the day of nomination at such by-election.

Vote by
ballot

(4) The votes shall be given by ballot. R.S.O. 1960, c. 249, s. 89.

Advance
poll

91.—(1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or confined in a hospital, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, or of voters who for religious reasons are prevented from voting, on the day fixed for polling. R.S.O. 1960, c. 249, s. 90 (1); 1961-62, c. 86, s. 7 (1).

Petition
to hold
poll on
Saturday

(2) When a petition, which according to the certificate of the clerk of the municipality is signed by not less than 10 per cent of the persons qualified to vote on money by-laws, is presented to the council of a local municipality at least seventy-five days before the day fixed for polling requesting the council to pass a by-law for providing advance polls, for the purposes set out in subsection 1, on a Saturday, excepting a Saturday that falls on the 24th, 25th or 31st day of December, the council shall pass a by-law in accordance with the petition. 1966, c. 93, s. 9 (1).

By-law

(3) A by-law passed under subsection 1 or 2 remains in force from year to year until repealed, and must be passed at least sixty days before the day fixed for polling. R.S.O. 1960, c. 249, s. 90 (2); 1966, c. 93, s. 9 (2).

Time of
poll

(4) Polls for receiving the votes of such voters shall be held and kept open for such times and on such days as may be provided in the by-law.

(5) Except as otherwise provided, all the provisions of this Act as to proceedings prior to the holding of the poll and at the poll, and after the closing of the poll, apply. Application of Act

(6) In a municipality where the election is to be held by wards, there shall be a separate poll book for each ward. Poll book for each ward

(7) In a municipality where the election is by general vote, the clerk or some other person appointed by him shall act as deputy returning officer and, in a municipality where the election is by wards, the clerk may act as deputy returning officer for one or more wards or may appoint one or more persons to act as deputy returning officers for one or more wards, and may also appoint as many poll clerks as there are deputy returning officers, and may fix one or more polling places. Deputy returning officer

(8) Notice of the times and places at which polls will be opened shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the municipality and, where possible, by advertisement in a newspaper published or circulated in the municipality. R.S.O. 1960, c. 249, s. 90 (3-7). Notice of polls

(9) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make one of the following declarations which shall be kept by the deputy returning officer with the other records of the poll: Declaration by voter

Polling place.....

I,, declare that I

(a) expect to be absent from the municipality of.....; or

(b) as an election official will be unable to attend the poll at which I am entitled to vote; or

(c) expect to be confined in a hospital; or

(d) for religious reasons, am prevented from voting, on the day fixed for polling.

Dated at.....

this.....day of....., 19.....

Witness:

Signature of Voter

Deputy Returning Officer

Address of Voter

R.S.O. 1960, c. 249, s. 90 (8); 1961-62, c. 86, s. 7 (2).

(10) Every person who signs any such declaration knowing that any statement therein is false is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100. Offence

Qualification of voter

(11) No person is entitled to vote unless his name appears on the last revised voters' list for the municipality.

Oath

(12) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the oath to be administered to a voter under this Act.

Record of declaration

(13) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes under this section a note that he has made the declaration mentioned in subsection 9 and the number of the polling subdivision, if any, in which he is entered on the voters' list.

Fixing of seals

(14) At the close of the poll each day, the deputy returning officer and any candidate or agent present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals.

List of persons voting

(15) At the close of the poll each day, the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list.

Noting deputy returning officers' lists or certificate as to voters

(16) Upon receiving from the deputy returning officer the list mentioned in subsection 15, the returning officer shall,

- (a) make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote; or
- (b) make a certificate (Form 11) for each polling subdivision, showing the name and address of each voter listed on the voters' list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate before the opening of the poll on voting day to the deputy returning officer of the polling subdivision, and the deputy returning officer shall before opening the poll make an entry in the voters' list supplied to him, opposite the name of each voter whose name appears on the certificate, showing that such voter has polled his vote.

Opening ballot box and counting ballots

(17) On the day fixed for holding the general poll at the election, the deputy returning officer at the polling place shall, in the presence of such candidates and their agents as may be present at the hour fixed for the closing of the general poll, open the ballot box, count the votes and perform all the other duties

required of a deputy returning officer by this Act with respect to the votes polled under this section.

(18) This section applies to an election or by-election for a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality and to voting on any by-law and question submitted to the electors under the authority of this or any other general or special Act. R.S.O. 1960, c. 249, s. 90 (9-17). Application of section

92.—(1) Where in any municipality there is situate a home, hospital or other institution for the reception, treatment or vocational training of disabled nursing sisters, officers and men who were on active service with the naval or military forces of Great Britain or her allies, the council may by by-law declare any such home, hospital or institution to be a polling place for the purpose of elections and a poll shall be held in each such place and all patients therein who are electors of the municipality are entitled to vote at such poll. Special poll for soldiers' hospitals

(2) When any such patient is bed-ridden or unable to walk, it is lawful for the deputy returning officer and poll clerk to attend upon such patient for the purpose of receiving his ballot. Ballot in certain cases

(3) Subsections 5, 6, 7, 11 and 12 of section 91 apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding such poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections. R.S.O. 1960, c. 249, s. 91. Application of s. 91

93. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 108. R.S.O. 1960, c. 249, s. 92. Deputy returning officer to show box empty to persons present and then lock and seal it

94.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows: Proceedings by deputy returning officer on tender of vote

1. Except where there is no voters' list, he shall ascertain that the name of such person or a name apparently intended for it is entered on the voters' list for the polling subdivision and is not entered upon the defaulters' list. Name

- | | |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recording | 2. He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification and residence of such person. |
| Objection | 3. Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter or cause to be entered the objection in the poll book, by writing opposite the name of such person in the proper column the words " <i>Objected to</i> ", and the name of the candidate by or on behalf of whom the objection was made. |
| Oath | 4. If such person takes the prescribed oath, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the poll book, the word " <i>Sworn</i> ", or " <i>Affirmed</i> ", according to the fact. |
| Refusal to take the oath | 5. Where such person has been required to take the oath and refuses to do so, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words " <i>Refused to be sworn</i> ", or " <i>Refused to Affirm</i> ", according to the fact. |
| Deputy returning officer to initial ballot paper and mark voters' list | 6. After the proper entries have been made in the poll book, the deputy returning officer shall place or cause to be placed a check or mark opposite the name of the voter in the voters' list to indicate that he has voted, and shall then put his initials on the back of the ballot paper. |
| Delivery of ballot to voter | 7. The ballot paper shall then be delivered to such person. |
| Deputy returning officer to explain mode of voting | 8. The deputy returning officer may, and upon request shall, either personally or through the poll clerk explain to the voter, as concisely as possible, the mode of voting. |
- Offence (2) The vote of a person who has refused to take the oath shall not be received and, if the deputy returning officer receives such vote or causes it to be received, he is guilty of an offence and on summary conviction is liable to a fine of \$200. R.S.O. 1960, c. 249, s. 93.
- Voter who alleges he has been impersonated **95.**—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter or where an entry has been made on the voters' list in error that such voter has polled his vote, he is entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.
- Note of second ballot to be entered in poll book (2) The deputy returning officer shall enter or cause to be entered on the poll book opposite the name of the voter a note of his having voted on a second ballot or of an entry having been made in the voters' list in error that he has polled his vote, as the case may be. R.S.O. 1960, c. 249, s. 94.

96.—(1) The only oath to be required of a person claiming to vote shall be according to Form 12.

Oath, etc.,
of person
claiming
to vote

(2) The voter is entitled to select any one of the forms of oath, whatever may be the description either in the voters' list or assessment roll of the qualification or character in which he is entered upon it.

Voter may
select any
form of
oath

(3) The oath may be administered by the returning officer or deputy returning officer if he thinks fit, and shall be administered at the request of any candidate or his agent, and no inquiry shall be made of a voter except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the voters' list, or the assessment roll, as the case may be. R.S.O. 1960, c. 249, s. 95.

When and
how oaths
are to be
adminis-
tered

97. The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for a candidate for the office named in that column. R.S.O. 1960, c. 249, s. 96.

Deputy
returning
officer to
initial
names of
persons
voting

98.—(1) Upon receiving the ballot paper, the person receiving it shall,

Marking
ballot paper

- (a) forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper by placing a cross, on the right hand side, opposite the name of a candidate for whom he desires to vote, or at any other place within the division that contains the name of such candidate;
- (b) then fold the ballot paper so as to conceal the names of the candidates, and the marks upon the face of it, and to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer.

(2) The deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates, or the marks made by the voter, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place, and the voter shall forthwith leave the polling place. R.S.O. 1960, c. 249, s. 97.

Duties of
D.R.O. on
receipt of
ballot

99. While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter

Exclusion
from ballot-
ing compart-
ment

the compartment or to be in a position from which he can see how the voter marks his ballot paper. R.S.O. 1960, c. 249, s. 98.

Voter not
to take his
ballot paper
from polling
place

100. A person who has received a ballot paper shall not take, and the deputy returning officer may prevent him from taking it out of the polling place and, if he leaves the polling place without delivering it to the deputy returning officer in the prescribed manner or returns the ballot paper declining to vote, he thereby forfeits his right to vote and the deputy returning officer shall make an entry in the poll book in the column for "*Remarks*" to the effect that such person received a ballot paper, but took it out of the polling place, or returned it, declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot paper and shall preserve it. R.S.O. 1960, c. 249, s. 99.

Proceedings
in case of
incapacity
to mark
ballot
paper

101.—(1) The deputy returning officer on the application of a voter who is incapacitated by physical cause other than blindness from marking his ballot paper, or who makes a declaration (Form 13) that he is unable to read, or where the voting is on a Saturday that he is of Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 98, shall,

- (a) in the presence of the poll clerk and the agents of the candidates, cause the vote of such person to be marked on the ballot paper in the manner directed by him, and shall place the ballot paper in the ballot box;
- (b) make an entry opposite the name of the voter in the proper column of the poll book that his vote was marked in pursuance of this section, and of the reason why it was so marked.

Oral dec-
laration

(2) Where the voter objects on religious grounds to mark his ballot paper, the declaration may be made orally.

Voter in-
capacitated
by blindness,
etc.

(3) The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall require the voter making such application to make a declaration (Form 13) of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates, or of the sworn electors representing the candidates in the polling place and of no other person, and place such ballot in the ballot box.

Blind
voter's ballot
marked by
friend

(4) The deputy returning officer shall either deal with a blind voter in the same manner as with an illiterate or otherwise incapacitated voter, or, at the request of any blind voter who has

made the declaration (Form 13) and is accompanied by a friend, shall permit such friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

(5) Any friend who is permitted to mark the ballot of a blind voter as aforesaid shall first be required to make a declaration (Form 14) that he will keep secret the name of the candidate for whom the ballot of such blind voter is marked by him, and no person shall at any polling place be allowed to act as the friend of more than one blind voter.

Oath of friend

(6) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why such ballot paper was marked by him or by a friend of the voter.

Reasons to be noted

(7) Where a voter has made the declaration (Form 13) of his inability to read, the deputy returning officer shall complete and subscribe to the certificate (Form 15). R.S.O. 1960, c. 249, s. 100.

Certificate where voter unable to read

102. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first-mentioned ballot paper, and preserve it. R.S.O. 1960, c. 249, s. 101.

Proceedings in case ballot paper cannot be used

103. A person who applies for a ballot paper shall be deemed to have tendered his vote, and a person whose ballot paper has been deposited in the ballot box, or who has delivered it to the deputy returning officer or poll clerk, for the purpose of having it deposited in the ballot box, shall be deemed to have voted. R.S.O. 1960, c. 249, s. 102.

What shall be deemed a tender of a vote and a voting

104. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate or, in his absence, his agent, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes. R.S.O. 1960, c. 249, s. 103.

Who may be in polling place

105. A candidate is entitled to one agent only in a polling place at any one time. R.S.O. 1960, c. 249, s. 104.

Agents

106.—(1) No person on the day of the polling shall use or deliver to any other person any card, ticket, leaflet, book, circular or writing soliciting votes for or against any candidate, or by-law, or for an affirmative or negative answer to any question, or having upon it the name of any candidate.

Use or delivery of election cards, etc.

Offence

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20. R.S.O. 1960, c. 249, s. 105.

Persons inside polling place

107. Every person qualified to vote thereat who is inside the polling place at the time fixed for closing the poll is entitled to vote. R.S.O. 1960, c. 249, s. 106.

PROCEEDINGS AFTER THE CLOSE OF THE POLL

Counting the votes

108. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form: "*I certify that the number of voters who voted at the election in this polling place is (stating the number in words) and that was the last person who voted at this polling place*", to be entered in the poll book on the line immediately below the name of the voter who voted last, and the certificate shall be signed by the deputy returning officer, the poll clerk, and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O. 1960, c. 249, s. 107.

What votes to be rejected

109.—(1) In counting the votes, the deputy returning officer shall reject all ballot papers,

- (a) that have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or
- (c) upon which there is any writing or mark by which the voter can be identified, or that has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified,

but no word, letter or marks written or made or omitted to be written or made by the deputy returning officer on a ballot paper voids it or warrants its rejection.

Counting votes where ballot paper relates to two or more offices

(2) Where on a ballot paper that contains the names of candidates for more than one office votes are given for more candidates for any office than are to be elected, the ballot is void as regards all the candidates for such office but is good as regards the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected.

Composite ballots

(3) Where on a composite ballot paper,

- (a) votes are given for more candidates for any office than are to be elected; or

- (b) votes are given for the affirmative and negative on any by-law or question,

the vote is void as regards the candidates for such office or as regards the by-law or question, as the case may be, but does not affect the votes for any other offices, by-laws or questions in respect of which a vote is correctly indicated. R.S.O. 1960, c. 249, s. 108.

110.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper by a candidate or his agent and shall decide the objection subject to review on recount or in a proceeding questioning the validity of the election.

Objections
to be noted
and decided

(2) Each objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the deputy returning officer. R.S.O. 1960, c. 249, s. 109.

Numbering
objections

111.—(1) All the ballot papers except those rejected shall be counted, and an account shall be kept of the number of votes given and allowed for each candidate, and all the ballot papers shall be put into separate packets as follows:

Procedure on
counting
ballot papers
and notes
and placing
ballot papers
into packets

- (a) all the used ballot papers that have not been objected to and have been counted;
- (b) all the used ballot papers that have been objected to, but which have been counted;
- (c) all the rejected ballot papers;
- (d) all the cancelled ballot papers;
- (e) all the ballot papers used but unmarked;
- (f) all the declined ballot papers;
- (g) all the unused ballot papers.

(2) Every packet shall be endorsed so as to indicate its contents, and shall be sealed by the deputy returning officer, and any candidate or agent present may write his name on the packet and may affix to it his seal. R.S.O. 1960, c. 249, s. 110.

Each packet
to be
endorsed
and sealed

112.—(1) The deputy returning officer shall make out a statement in duplicate of,

Statement
of result to
be made by
deputy
returning
officer

- (a) the number of ballot papers received from the clerk;
- (b) the number of votes given for each candidate and the rejected ballot papers;
- (c) the used ballot papers that have not been objected to and have been counted;
- (d) the ballot papers that have been objected to, but which have been counted by the deputy returning officer;

- (e) the rejected ballot papers;
- (f) the cancelled ballot papers;
- (g) the ballot papers used but unmarked;
- (h) the declined ballot papers;
- (i) the unused ballot papers; and
- (j) the number of voters whose ballot papers have been marked by the deputy returning officer under section 101.

Disposal of statement

(2) One statement shall be attached to the poll book and the other shall be enclosed in a special packet and delivered to the clerk.

Signing of statement

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their agents as are present and desire to sign it.

Certificate of result of poll

(4) The deputy returning officer shall deliver to such of the candidates or their agents as are present, if requested to do so, a certificate of the number of ballot papers counted for each candidate, and of the rejected ballot papers. R.S.O. 1960, c. 249, s. 111.

Oath of poll clerk

113. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe an oath similar to that required by subsection 3 of section 115 to be taken by the deputy returning officer. R.S.O. 1960, c. 249, s. 112.

Poll book, etc., to be placed in ballot box

114.—(1) The poll book, the voters' list, the packets containing the ballot papers, and all other documents that served at the election shall be placed in the ballot box, except,

- (a) the duplicate statement;
- (b) the oath of the deputy returning officer, Form 17;
- (c) the oath of the poll clerk, Form 17 or similar oath; and
- (d) the oath of the person, if any, chosen to deliver the ballot box to the clerk, Form 16.

Opening of box where documents placed in box in error

(2) Where the documents referred to in subsection 1 are in error placed in the ballot box or where the statement cannot be interpreted by the returning officer, the returning officer may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the returning officer. R.S.O. 1960, c. 249, s. 113.

Delivery of ballot box to clerk

115.—(1) The deputy returning officer shall then immediately lock and seal the box, and any candidate or agent present may

also affix to it his seal and the deputy returning officer shall then forthwith deliver it personally to the clerk or, if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it, and shall on it or on a ticket attached to it write the name of the person to whom the ballot box has been delivered, and shall take a receipt for it, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the clerk and shall take and subscribe before him the oath (Form 16).

(2) In cities and towns, the deputy returning officer or, in case of his inability, as mentioned in subsection 1, the poll clerk or the person chosen shall proceed directly from the polling place to the office of the clerk with the ballot box, and there personally on the same day, as soon as possible after leaving the polling place, deliver it to the clerk, and the poll clerk or the person chosen shall take and subscribe before him the oath (Form 16), and the clerk shall remain in his office on the evening of the polling day until all the ballot boxes have been returned to him.

Return of
ballot boxes,
etc., in
cities and
towns

(3) Forthwith thereafter, the deputy returning officer shall take and subscribe the oath (Form 17), and shall personally deliver it or transmit it by registered mail to the clerk. R.S.O. 1960, c. 249, s. 114.

Oath of
D.R.O.

116. The clerk, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. R.S.O. 1960, c. 249, s. 115.

Duties of
clerk as to
ballot box

117. A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any house or place except the office of the clerk. R.S.O. 1960, c. 249, s. 116.

D.R.O. not
to take
ballot box
to his home

118. Where the holding of the election has been interrupted, as mentioned in section 121, the deputy returning officer shall delay making his return to the clerk until the polling has taken place. R.S.O. 1960, c. 249, s. 117.

Return by
D.R.O. when
election in-
terrupted

119. The clerk, after he has received the ballot boxes and other documents referred to in section 114, including the duplicate statements of the number of votes given by each polling place, without opening any of the ballot boxes, shall cast up from such duplicate statements the number of votes for each candidate and at the town hall or, if there is no town hall, at some other

Clerk to
cast up
votes and
declare what
candidates
elected

public place, at noon on the second day following the day on which the polling is held, shall publicly declare to be elected the candidate or candidates having the highest number of votes, and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. R.S.O. 1960, c. 249, s. 118.

Tie vote,
recount
necessary

120.—(1) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate and shall forthwith notify a judge of the county or district court of the county or district in which the municipality is situate of the result and the judge shall thereupon appoint a time and place to recount the votes cast for such candidates.

Procedure

(2) In such proceedings, sections 122 and 123 apply *mutatis mutandis*. R.S.O. 1960, c. 249, s. 119 (1, 2); 1965, c. 77, s. 10.

ELECTION NOT HELD AT PROPER TIME, ETC.

Election
not com-
menced, or
interrupted
by reason of
riot, etc., to
be resumed

121. If, by reason of a riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer or deputy returning officer, as the case may be, shall hold or resume the election on the following day at the hour of 9 o'clock in the forenoon, and continue the same from day to day until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. R.S.O. 1960, c. 249, s. 120.

[As to postponement of an election on account of an epidemic or contagious disease, see *The Public Health Act*, R.S.O. 1970, c. 377.]

RECOUNT

Application
for recount
or re-
addition

122.—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate that a deputy returning officer, in counting the votes, has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes, and if within that time the applicant has given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge, or if at any time within four weeks after such

declaration in a local municipality the council has by resolution declared that a recount or re-addition is desirable in the public interest, the judge shall appoint a time and place to recount or re-add the votes cast at the election.

(2) In all cases of a recount or re-addition of the ballots cast for candidates elected by general vote in a local municipality divided into wards, the judge may order that the recount or re-addition shall be conducted separately in each ward, and for that purpose may appoint for any ward, as his deputy, another judge or a barrister of at least ten years standing at the bar of Ontario to recount or re-add the votes cast at the election in such ward and a time and place for such recount or re-addition to be held, and every such deputy shall, for all the purposes of the recount or re-addition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter set out in this section.

Deputies in municipalities divided into wards

(3) At least two days notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk or an assistant clerk appointed for the purpose shall attend the recount or re-addition with the ballot boxes and all documents relating to the election.

Notice of time and place for recount or re-addition

(4) The judge, the clerk, the assistant clerk and each candidate and his agent appointed to attend the recount or re-addition, but no other person, except with the sanction of the judge, is entitled to be present at the recount.

Who may attend

(5) The recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected or in other cases of the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or re-added.

Which ballots to be re-added or recounted

(6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the ballot papers received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purpose of the recount open the sealed packets containing the used ballot papers that were not objected to and were counted, the ballot papers that were objected to but which were counted, the rejected ballot papers, the cancelled ballot papers, the ballot papers that were used but were unmarked, the declined ballot papers and the unused ballot papers.

Making re-addition or recount

(7) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far

Proceedings to be continuous

as he and the persons present agree, the hours between 6 o'clock in the afternoon and 9 o'clock in the succeeding forenoon, and during the excluded time the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for their security.

Procedure
as at close
of poll

(8) Subject to subsection 9, the judge shall proceed according to the provisions for the counting of the ballot papers and the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Evidence
may be
taken

(9) If for any reason it appears desirable to do so, the judge upon the application of any party to the proceeding may hear such evidence as he considers necessary for the purpose of making a full and proper recount of the ballot papers.

Judge's
certificate
of result

(10) Upon the completion of the recount, the judge shall seal up all the ballot papers in their separate packets and upon the completion of a re-addition he shall seal up the original statements in their respective packets, and shall forthwith certify the result of the recount or re-addition to the clerk. R.S.O. 1960, c. 249, s. 121 (1-10).

When clerk
to have
casting vote

(11) If the certificate of the result of the recount shows that the candidates have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.

Clerk's
declaration
of result

(12) Upon the result of the recount or re-addition being ascertained under subsection 10 or 11, the clerk shall declare elected the candidate so ascertained as having the greatest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 119 if it is different from such prior declaration. 1965, c. 77, s. 11.

Other
remedies not
affected

(13) Nothing in this section affects any remedy that any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. R.S.O. 1960, c. 249, s. 121 (12).

Costs

123.—(1) The costs of the recount are in the discretion of the judge who may order by whom, to whom and in what manner the costs shall be paid.

Amount or
scale of
costs

(2) The judge may in his discretion award costs of the recount or re-addition to or against any candidate and may fix the amount thereof or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court.

(3) Where costs are directed to be paid by the applicant, the money deposited as security for costs shall be paid out to the party entitled to such costs, so far as necessary.

Deposit,
disposal

(4) Payment of the costs may be enforced by execution to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them.

Recovery
of costs

(5) The judge is entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him to recount the votes. R.S.O. 1960, c. 249, s. 122.

Expenses
of judge
attending
at recount

SECRECY OF PROCEEDINGS

124.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

Maintaining
secrecy of
proceedings

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.

Inter-
ference with
voters

(3) No person shall communicate any information obtained at a polling place as to how a voter at such polling place is about to vote or has voted. R.S.O. 1960, c. 249, s. 123.

Communi-
cating in-
formation
as to how
voter has
voted

125. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person how he has voted. R.S.O. 1960, c. 249, s. 124.

Inducing
voter to
display
ballot after
marking

126. Subject to section 101, a voter shall not show his ballot paper, when marked, to any person so as to make known how he voted. R.S.O. 1960, c. 249, s. 125.

Voter not
to display
marked
ballot

127. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 18). R.S.O. 1960, c. 249, s. 126.

Oath of
secrecy

128.—(1) If a returning officer, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall forthwith communicate the particulars to the Crown attorney.

Proceedings
where
officers
aware of
violation
of secrecy

(2) The Crown attorney on receiving such information from any person shall forthwith inquire into the matter and, if proper, prosecute the offender. R.S.O. 1960, c. 249, s. 127.

Crown
attorney to
prosecute

No one
compellable
to disclose
his vote

129. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. R.S.O. 1960, c. 249, s. 128.

GENERAL

Returning
officers, etc.,
wilfully
falsifying
or altering
list of
voters to
incur
penalty

130. Every returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a voters' list or poll book, who wilfully makes any alteration or insertion in or wilfully omits anything from or in any way wilfully falsifies such voters' list or poll book, is guilty of an offence and on summary conviction is liable to a fine of \$2,000 and is also liable to imprisonment for a term of not more than one year. R.S.O. 1960, c. 249, s. 129.

Offences
relating
to ballot
papers

131. Every person who,

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) without due authority supplies a ballot paper to any person; or
- (c) fraudulently places in a ballot box a paper other than the ballot paper that he is authorized by law to place therein; or
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) fraudulently takes a ballot paper out of the polling place; or
- (f) without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) applies for a ballot paper in the name of another person whether the name be that of a person living or dead or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name or votes oftener than he is entitled to; or
- (h) being a deputy returning officer, contravenes section 117, or fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or

- (j) being employed to print the ballot papers for an election, with fraudulent intent, prints more ballot papers than he is authorized to print; or
- (k) attempts to commit or aids, abets, counsels or procures the commission of any offence mentioned in this section,

is guilty of an offence and if, a returning officer, deputy returning officer or other officer engaged in the election, on summary conviction is liable to imprisonment for a term of not more than two years, and, in the case of any other person, to imprisonment for a term of not more than six months. R.S.O. 1960, c. 249, s. 130.

132.—(1) Every person who wilfully and maliciously destroys, injures, obliterates or removes or causes to be destroyed, injured, obliterated or removed a warrant for holding an election, a poll book, voters' list, certificate, affidavit or other document or paper made, prepared or drawn according to or for the purpose of meeting any requirement of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. 1962-63, c. 87, s. 5.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) Every person who aids, abets, counsels or procures the commission of a contravention of subsection 1 is guilty of an offence and is liable on summary conviction to the same fine or imprisonment as provided in subsection 1. R.S.O. 1960, c. 249, s. 131 (2), *amended*.

Abettors punishable

133.—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election is guilty of an offence and on summary conviction is liable to a fine of \$10 in respect of every such ballot paper.

D.R.O. omitting to initial ballots

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 108 to 116 is guilty of an offence and, for each refusal or neglect, on summary conviction is liable to a fine of \$200. R.S.O. 1960, c. 249, s. 132.

D.R.O. or poll clerk neglecting duties

134. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll is guilty of an offence and on summary conviction is liable to a fine of \$200. R.S.O. 1960, c. 249, s. 133.

Wilfully miscounting ballots, etc.

135. Every person who acts in contravention of sections 124 to 126 is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than six months. R.S.O. 1960, c. 249, s. 134.

Penalty for violating secrecy

Money
penalty for
offences

136. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person who may be aggrieved thereby the sum of \$400. R.S.O. 1960, c. 249, s. 135.

MISCELLANEOUS PROVISIONS

Candidate
may under-
take duties
of an agent

137. A candidate may undertake the duties that his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present, but no candidate shall be present at the marking of a ballot paper under section 101 and no candidate shall be present in a polling place at the counting of the votes if his agent is in the polling place. R.S.O. 1960, c. 249, s. 136.

Who may
administer
oaths re
election

R.S.O. 1970,
c. 225

138. Except where otherwise provided, any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, as well as before any other person by whom under *The Interpretation Act* an oath may be administered. R.S.O. 1960, c. 249, s. 137.

Ballot
papers, how
disposed of

139.—(1) The clerk shall retain in his possession for six weeks all the ballot papers, and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a declaration that they witnessed the destruction of them.

Declaration

(2) The declaration shall be made before the head of the municipality and filed in the office of the clerk.

Disposal of
documents
relating to
election

(3) Subject to subsection 1, the clerk shall retain in his possession all oaths, statements of the vote and other documents relating to an election until the successors to be persons elected at such election have taken office, and shall then destroy them. R.S.O. 1960, c. 249, s. 138.

Ballot
papers to
be inspected
only by
order of a
judge

140.—(1) No person shall be allowed to inspect any ballot paper in the custody of the clerk except under the order of a judge or an officer having jurisdiction to inquire as to the validity of the election.

Grounds for
granting
order

(2) The order may be made on the judge or officer being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or of taking proceedings for contesting the election or return.

Order may
be subject to
conditions

(3) The order may be made subject to such conditions as the judge or officer considers proper. R.S.O. 1960, c. 249, s. 139.

141. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballot papers so produced is evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1960, c. 249, s. 140.

Production of documents and endorsements on ballot papers evidence for certain purposes

142. Where in this Part expressions are used, requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done in the presence of the agents of the candidate, they shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of an agent at such time and place, if it is otherwise duly done, does not invalidate the act or thing done. R.S.O. 1960, c. 249, s. 141.

Expressions referring to agents

Non-attendance of agents

143. No election is or shall be declared to be invalid,

- (a) for non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary thereto or as to the counting of the votes; or
- (b) by reason of mistake in the use of the prescribed forms; or
- (c) by reason of any mistake or irregularity in the proceedings at or in relation to the election,

When election not to be declared invalid

if it appears to the tribunal by which the validity of the election or any proceeding in relation to it is to be determined that the election was conducted in accordance with the principles laid down in this Act, and it does not appear that such non-compliance, mistake or irregularity affected the result of the election. R.S.O. 1960, c. 249, s. 142.

144. The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and reasonable fees and allowances for services rendered under this Part, shall be paid to the clerk by the treasurer, and shall be paid by the clerk to the persons entitled thereto. R.S.O. 1960, c. 249, s. 143.

Expenses incurred by officers to be repaid to them

VACANCIES IN COUNCIL

145. The seat of a member of a council becomes vacant if he,

- (a) is undergoing imprisonment under sentence for a criminal offence; or
- (b) becomes bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario; or

Seat to become vacant by crime, insolvency, absence, etc.

R.S.O. 1970,
c. 183

- (c) is in close custody under *The Fraudulent Debtors Arrest Act* or is discharged from close custody under section 51 of that Act; or
- (d) assigns his property for the benefit of his creditors; or
- (e) absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes; or
- (f) files his resignation with the clerk of the municipality as provided in subsection 2 of section 36 or subsection 6 of section 149 for the purpose of becoming a candidate for council in some other office; or
- (g) is appointed to fill a vacancy in the office of mayor, reeve or deputy reeve; or
- (h) is appointed to fill a vacancy in the board of control,

and the council shall forthwith declare the seat to be vacant.
R.S.O. 1960, c. 249, s. 144; 1967, c. 55, s. 7.

Proceedings
if disquali-
fied member
fails to
resign

146. Except in the cases provided for by section 145, if a member of a council forfeits his seat or his right to it or becomes disqualified to hold it and does not forthwith resign his seat, proceedings may be taken under sections 151 to 170 to declare it vacant. R.S.O. 1960, c. 249, s. 145.

Resignation
of member
with consent
of council

147. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council but he shall not vote on a motion as to his own resignation, and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum. R.S.O. 1960, c. 249, s. 146; 1965, c. 77, s. 12.

Resignation
of warden

148.—(1) The warden of a county may resign his office either by verbal intimation to the county council when in session or by letter to the clerk when the council is not in session.

Vacancy in
office of
warden,
how filled

(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. R.S.O. 1960, c. 249, s. 147.

When new
election to
be held

149.—(1) Subject to section 150, a new election shall be held forthwith where,

- (a) a person elected has neglected or refused to accept office or to make the prescribed declarations within the prescribed time; or
- (b) a vacancy, except in the office of controller, occurs from any cause. R.S.O. 1960, c. 249, s. 148 (1); 1968, c. 76, s. 8 (1).

(2) Where a new election is to be held, the head of the council or, if he is absent or unable to act or there is a vacancy in the office, the clerk or, if they are both absent or unable to act or both offices are vacant, one of the members of the council shall forthwith issue a warrant under his hand for the holding of the new election.

Warrant
for new
election

(3) The returning officer and the deputy returning officers appointed to hold the next preceding election shall be the returning officer and the deputy returning officers to hold the new election, and the nomination shall be held and the polling shall take place at the respective places at which the nomination was held and the polling took place at such last election, unless the council appoints other persons to hold the election and other places at which the nomination shall be held and the polling take place, which the council may do.

Returning
and deputy
returning
officers,
nomination
and polling

(4) Where a new election becomes necessary before the first meeting of the council in the year for which it is elected, the duties which by subsection 2 are to be performed by the head, clerk or a member of the council shall be performed by the head, clerk or a member of the council of the next preceding year.

Procedure
where new
election
before first
meeting of
council

(5) The new election shall be held at the latest within fifteen days after the receipt of the warrant by the person to whom it is directed, and the person issuing the warrant shall appoint a time for the nomination of candidates and for the polling if a poll is required, and the election shall be conducted in like manner as an annual election. R.S.O. 1960, c. 249, s. 148 (2-5).

Time for
holding
election

(6) Subject to section 150, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the new election is to be held is eligible to be nominated for membership in the council in any other office unless he has before the time of the opening of the nomination meeting filed his resignation from the office that he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid. R.S.O. 1960, c. 249, s. 148 (6); 1968, c. 76, s. 8 (2).

Resignation

(7) The person elected shall hold office for the remainder of the term for which the person whose place he is elected to fill was elected.

Term of
office of
members
elected

Majority of council may hold meeting

(8) Notwithstanding that a new election becomes necessary, meetings of the council may be held if a majority of the full number of the council is present. R.S.O. 1960, c. 249, s. 148 (7, 8).

Vacancy in office of mayor, reeve or deputy reeve

150.—(1) Where the office of mayor, reeve or deputy reeve becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall appoint one of their number to fill the office for the remainder of the term. R.S.O. 1960, c. 249, s. 150 (1); 1962-63, c. 87, s. 7 (1).

Filling of vacancy

(2) In the appointment of a member of council to fill a vacancy under subsection 1, any member of council may nominate any other member of council to fill the vacancy and, if more than one councillor is nominated, a vote of the members of council shall be taken and the person who receives the highest number of votes is entitled to the office, and, in the event of a tie, the matter shall be determined by lot cast by the clerk in the presence of the persons having the equal number of votes. 1968, c. 76, s. 10 (1).

When vacancy need not be filled

(3) Where in a year in which an election is to be held a vacancy occurs in the office of councillor after the 1st day of November or after the 1st day of October where a by-law has been passed under section 45 and an election has not been ordered in a judicial proceeding, it is not necessary that the vacancy be filled if the council so directs. R.S.O. 1960, c. 249, s. 150 (2); 1961-62, c. 86, s. 8.

Vacancy in office of alderman or councillor

(4) Where a vacancy occurs in the office of alderman or councillor and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose shall appoint a person to fill the vacancy for the remainder of the term.

Filling of vacancy

(5) In the appointment to fill a vacancy under subsection 4, any member of council may nominate a person who is qualified to be elected a member of council and who has consented to accept the office if appointed to fill a vacancy, and, if more than one person is nominated, a vote of the members of council shall be taken and the person who receives the highest number of votes is entitled to the office, and, in the event of a tie, the presiding officer shall have an additional deciding vote. 1968, c. 76, s. 10 (2).

Vacancies not requiring a by-election

(6) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 2 of section 36, the vacancy shall not be filled in the manner provided in section 149 or this section, but the seat shall remain vacant until the next ensuing election when it shall be filled in the manner provided by this Act or any special Act that may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the

person who vacated the office was elected to such office. R.S.O. 1960, c. 249, s. 150 (4); 1968, c. 76, s. 10 (3).

PART IV

PROCEEDINGS TO DECLARE SEAT VACANT

PROCEDURE

151. In this Part, "judge", unless the court is referred to by name, includes a judge of the Supreme Court and a judge of a county or district court. R.S.O. 1960, c. 249, s. 151; 1961-62, c. 86, s. 9. Interpretation

152.—(1) The validity of the election of a member of a council or his right to hold his seat, or the right of a local municipality to a deputy reeve, may be tried and determined by a judge of the Supreme Court or by a judge of the county or district court of the county or district in which the municipality is situate. R.S.O. 1960, c. 249, s. 152 (1); 1961-62, c. 86, s. 10. Who may try validity of election or right to deputy reeve

(2) Where the right of a municipality to a deputy reeve is contested, any municipal elector in the county or, where the validity of the election is contested, any candidate at the election or an elector who gave or tendered his vote at it, or where the election was by acclamation, or the right to sit is contested on the ground that the member has become disqualified or has forfeited his seat since his election, an elector entitled to vote at the election may be the relator. R.S.O. 1960, c. 249, s. 152 (2). Relator

153.—(1) If within six weeks after an election or one month after the acceptance of office by a member of a council a person entitled to be a relator shows by affidavit reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected was not duly elected, or for contesting the validity of the election, or if within six weeks after the facts come to the knowledge of a person entitled to be a relator he shows by affidavit reasonable ground for supposing that a member of a council has forfeited his seat or become disqualified since his election, the judge shall give his fiat authorizing the relator, upon entering into a recognizance as hereinafter provided and the same being allowed as sufficient, to serve a notice of motion to determine the matter. R.S.O. 1960, c. 249, s. 153 (1); 1961-62, c. 86, s. 11 (1). Time within which proceedings to be instituted and security and proof required

(2) The recognizance shall be entered into before the judge granting the fiat or before a commissioner for taking affidavits by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient by the judge upon affidavit of justification, each in the sum of \$100, and shall be conditioned to prosecute the motion with effect and to pay to the person against whom it is made any costs that may be adjudged to him against the relator. R.S.O. 1960, c. 249, s. 153 (2); 1961-62, c. 86, s. 11 (2). Recognizance

Allowance
of recog-
nizance

(3) When the recognizance has been allowed as sufficient, the judge by whom it is allowed shall note upon it and upon the fiat allowing service of the notice of motion the words "*Recognizance allowed*" and shall initial the same. R.S.O. 1960, c. 249, s. 153 (3); 1961-62, c. 86, s. 11 (3).

Proceedings,
how to
be entitled

(4) Where the proceedings are taken before a judge of the Supreme Court, they shall be entitled in the Supreme Court and, where they are taken before a judge of a county or district court, they shall be entitled in that court. R.S.O. 1960, c. 249, s. 153 (4); 1961-62, c. 86, s. 11 (4).

Contents
of notice
of motion

154. The relator in his notice of motion shall set forth his name in full, his occupation and place of residence, and the interest that he has in the election, whether as candidate or as an elector, and shall state specifically under distinct heads all the grounds of objection to the validity of the election complained of, and in favour of the validity of the election of himself or of any other person where the relator claims that he or that such person was duly elected, or the grounds of forfeiture or disqualification, as the case may be. R.S.O. 1960, c. 249, s. 154.

Affidavits,
etc., to be
filed

155. Before serving the notice of motion, the relator shall file all the affidavits and material upon which he intends to move, except where oral evidence is to be taken, and in that case he shall name in the notice the witnesses whom he proposes to examine. R.S.O. 1960, c. 249, s. 155.

Service of
notice of
motion

156. The notice of motion shall be served within two weeks from the date of the fiat, unless upon a motion to allow substituted service the judge otherwise orders, and not less than seven clear days before the day on which the motion is returnable, and shall be served personally unless the person to be served avoids personal service, in which case an order may be made for substituted service. R.S.O. 1960, c. 249, s. 156; 1961-62, c. 86, s. 12.

Where
relator
claims that
he or an-
other was
elected

157. Where the relator alleges that he or some other person was duly elected, the motion shall be to try the validity of the election complained of and of the alleged election of the relator or other person. R.S.O. 1960, c. 249, s. 157.

One motion
against
several
persons

158. Where the grounds of objection apply to two or more persons elected or sitting as members of a council, the relator may proceed by one motion against all of them. R.S.O. 1960, c. 249, s. 158.

Hearing of
motion

159. On the hearing of the motion, the relator shall not be allowed to object to the election of the person complained of or to

support the election of himself or of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the judge may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties that may appear in evidence before him. R.S.O. 1960, c. 249, s. 159; 1961-62, c. 86, s. 13.

160. Where more motions than one are made to try the validity of the election, or the right to sit of the same person, all of them shall be made returnable and, unless otherwise directed by a judge of the Supreme Court, shall be heard and determined by the judge before whom the motion, notice of which was first served, is returnable, and one order upon all or a separate order upon one or more of them may be made, as he considers proper. R.S.O. 1960, c. 249, s. 160; 1961-62, c. 86, s. 14.

Who to hear motions when more than one

161. The judge may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the judge considers proper. R.S.O. 1960, c. 249, s. 161; 1961-62, c. 86, s. 15.

Requiring clerk to attend with rolls, voters' lists, etc.

162. Where the motion is returnable before a judge of the Supreme Court, he may direct that the evidence to be used on the hearing of the motion be taken orally in the presence of counsel for or after notice to all parties interested before a special examiner or a judge of a county or district court, who shall return the evidence so taken to the proper officer of the Supreme Court. R.S.O. 1960, c. 249, s. 162.

Taking of evidence to be used on motion

163.—(1) The judge, at any stage of the proceedings, may,

Adding parties, etc.

- (a) add the returning officer or any deputy returning officer or other person as a party to the proceedings; and
- (b) allow any person entitled to be a relator to intervene and prosecute, or to defend, and may grant a reasonable time for that purpose. R.S.O. 1960, c. 249, s. 163 (1); 1961-62, c. 86, s. 16.

(2) An intervening party is liable for or entitled to costs like any other party to the proceedings. R.S.O. 1960, c. 249, s. 163 (2).

Costs

164.—(1) The judge shall, in a summary manner, without formal pleadings, hear and determine the questions raised by or upon the motion and, subject to subsection 2, may inquire into the facts on affidavit, by oral testimony, or by an issue framed by him and sent to be tried by a jury in any court named by him, or

Mode of trial

by one or more of those means. R.S.O. 1960, c. 249, s. 164 (1); 1961-62, c. 86, s. 17 (1).

Evidence
of corrupt
practice to
be taken
orally

(2) Where a question is raised as to whether the candidate or any voter has been guilty of any contravention of sections 178 to 180, affidavit evidence shall not be used to prove the offence, but it shall be proved by oral evidence taken before the judge or before a special examiner or a judge of a county or district court, upon an order of reference to him for that purpose by the judge of the Supreme Court, if the motion is returnable before a judge of the Supreme Court, or the judge of the county or district court if the motion is returnable before him. R.S.O. 1960, c. 249, s. 164 (2); 1961-62, c. 86, s. 17 (2).

Striking
off votes

(3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, there shall be struck off the number of votes given for such candidate one vote for every such voter. R.S.O. 1960, c. 249, s. 164 (3).

If election
invalid,
order for
removal
of person
not duly
elected, etc.

165.—(1) Where the election complained of is adjudged to be invalid, the order shall provide that the person found not to have been duly elected be removed from the office and, if it is determined that any other person was duly elected, that he be admitted forthwith to the office.

Order for
new election

(2) Where it is determined that no other person was duly elected, or that a person duly elected has become disqualified or has forfeited his seat, the order shall provide for the removal from office of such last-mentioned person and for the holding of a new election. R.S.O. 1960, c. 249, s. 165, *amended*.

Order for
new elec-
tion to be
directed to
clerk or
sheriff

166. Where the election of all the members of a council is adjudged to be invalid, or where it is determined that all of them have become disqualified or have forfeited their seats, the order for their removal, and for the election of new members in their places or for the admission of others adjudged to be legally elected, and for an election to fill the remaining seats in the council, shall be directed to the clerk of the municipality or, where there is no clerk, to the sheriff of the county or district in which the municipality is situate, who has all the powers for causing the election to be held that a municipal council or any member or officer of it has in order to fill a vacancy in it. R.S.O. 1960, c. 249, s. 166.

Where
election
invalid

167.—(1) Where an election is adjudged to be invalid owing to the improper refusal of the returning officer or of a deputy returning officer to receive a ballot paper tendered by or to give a ballot paper to an elector, or owing to such officer having put into

the ballot box a ballot paper that was not lawfully received from an elector, the judge may order that the costs of the proceedings to unseat the person declared elected, or any part of them, be paid by such returning officer or deputy returning officer. R.S.O. 1960, c. 249, s. 167 (1); 1961-62, c. 86, s. 18.

(2) Nothing in this section affects any right of action against the returning officer or deputy returning officer or relieves him from any penalty to which he may be liable under this Act. R.S.O. 1960, c. 249, s. 167 (2). Right of action against officers preserved

168.—(1) After the adjudication, an order shall be drawn up, stating concisely the ground and effect of the decision. R.S.O. 1960, c. 249, s. 168 (1). Order

(2) The order may be at any time amended by the judge in any matter of form, and has the same force and effect as a writ of mandamus formerly had in the like case. R.S.O. 1960, c. 249, s. 168 (2); 1961-62, c. 86, s. 19. Amendment of order

169. The judge forthwith after rendering his decision shall return the same with all things had before him touching the proceeding to the proper officer of the court, there to remain of record as a judgment of the court, and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. R.S.O. 1960, c. 249, s. 169; 1961-62, c. 86, s. 20. Judgment to be returned to proper officer of court

170.—(1) The decision of a judge of the Supreme Court is final, but an appeal lies from the decision or order of a judge of a county or district court to a judge of the Supreme Court whose decision is final. R.S.O. 1960, c. 249, s. 170 (1); 1961-62, c. 86, s. 21. Appeals from county judge

(2) The practice and procedure on and in relation to the appeal shall be the same, as nearly as may be, as in the case of an appeal from a decision of the master in an action or proceeding in the Supreme Court. R.S.O. 1960, c. 249, s. 170 (2). Procedure on appeal

171.—(1) A candidate elected who is found to have been guilty of bribery, or of a corrupt practice, forfeits his seat, and is ineligible as a candidate at any election for two years thereafter. R.S.O. 1960, c. 249, s. 171 (1). Disqualification of candidate guilty of corrupt practice

(2) The judge shall report to the clerk of the municipality in which the offence was committed the name of every candidate who has been so found guilty, and the clerk shall enter his name in a book to be kept for that purpose. R.S.O. 1960, c. 249, s. 171 (2); 1961-62, c. 86, s. 22. Report to be made to clerk

DISCLAIMER

Disclaimer
before
complaint

172. Any person elected may at any time after the election, and before it is complained of, deliver to the clerk of the municipality a disclaimer, signed by him, to the following effect:

*"I, A.B., hereby disclaim all right to the office of
.....for the.....of
....., in the county (or
district) of....., and all defence of any right I
may have to the same.*

Dated.....day of....., 19....

A.B."

R.S.O. 1960, c. 249, s. 172.

When
defendant
may dis-
claim

173. A person whose election is complained of, unless it is complained of on the ground of bribery or corrupt practices on his part, or a person whose seat is attached on the ground that he has become disqualified or has forfeited his seat, may, within one week after service on him of the notice of motion, transmit by registered mail, or deliver, if the proceedings are in the Supreme Court, to the Registrar of the Supreme Court of Ontario, at Osgoode Hall, Toronto, or if the proceedings are in a county or district court to the judge of that court, and to the relator or his solicitor, a disclaimer signed by him to the following effect:

*"I, A.B., upon whom a notice of motion, in the nature of
a quo warranto, has been served for the purpose of contest-
ing my right to the office of.....
for the.....of....., in the county (or
district) of....., hereby disclaim the
office, and all defence of any right I may have to the same.*

Dated.....day of....., 19....

A.B."

R.S.O. 1960, c. 249, s. 173.

Duplicate of
disclaimer
to be
delivered
to clerk

174. A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council. R.S.O. 1960, c. 249, s. 174.

Disclaimer
to operate
as resigna-
tion
Costs

175.—(1) A disclaimer in accordance with section 172 or 173 operates as a resignation.

(2) A disclaimer in accordance with section 172 relieves the person making it from all liability for costs.

(3) Costs shall not be awarded against a person disclaiming under section 173, unless he consented to his nomination or accepted the office. R.S.O. 1960, c. 249, s. 175. When costs not to be awarded

RULES OF PRACTICE

176. Subject to the approval of the Lieutenant Governor in Council, the Rules Committee may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs of and incidental to them, and as to matters not provided for in this Part, or by rules of court, the practice and procedure of the Supreme Court shall be applicable. R.S.O. 1960, c. 249, s. 176. Rules Committee to make rules, etc.

177. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, whether or not the seat is claimed by or on behalf of the relator or any other person, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part and not by *quo warranto* proceedings or by an action in any court. R.S.O. 1960, c. 249, s. 177. Procedure substituted for *quo warranto* proceedings

PART V

BRIBERY AND CORRUPT PRACTICES

178.—(1) Every person who,

Bribery;

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or bribing voter or procuring bribery by money
- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or by gift or offer or promise of employment

to induce
anyone to
procure
return of
candidate
or endeavour
to procure

- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any voter at an election; or

receiving
bribe to
procure
return of
candidate

- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any voter at an election; or

advancing
money to
be spent
in corrupt
practices

- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or

applying
for money
or employ-
ment in
considera-
tion of
voting

- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate or to his agent for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or

receiving
money,
office, etc.,
for having
voted

- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

receiving
money cor-
ruptly after
election

- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

giving or
promising
office to
candidate
to stand or
withdraw

- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

is guilty of bribery, is disqualified from voting at any election for two years, and on summary conviction is liable to a fine of \$200, or to imprisonment for a term of not more than six months, or to both.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act. R.S.O. 1960, c. 249, s. 178.

Personal
expenses of
candidate

179.—(1) A candidate who himself or by any other person on his behalf and every other person who,

Conveying
voters to
poll

- (a) hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or
- (b) pays the travelling or other expenses of a voter in going to or returning from a polling place,

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to or near or from or on the way to or from a polling place is guilty of a corrupt practice and on summary conviction is liable to a fine of \$100, and, if a voter, is disqualified from voting at the election; but this subsection does not apply to the carrying of voters to the poll in a conveyance used by the candidate personally on polling day.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, is guilty of a corrupt practice and on summary conviction is liable to a fine of \$100, and, if a voter, is disqualified from voting at the election.

Furnishing
transportation to
voters

(3) Except as provided in subsection 1, nothing in this Act renders it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge.

Exception as to
private
vehicles

(4) For the purposes of this section, "conveyance" includes a horse, team, carriage, cab, vehicle, boat or vessel. R.S.O. 1960, c. 249, s. 179.

Interpre-
tation

180.—(1) Every person who, directly or indirectly, himself or by any other person on his behalf, uses or threatens to use force, violence or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation

Undue
influence

upon or against a voter in order to induce or compel him to vote or refrain from voting, or an account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, is guilty of a corrupt practice and is disqualified from voting for two years and on summary conviction is liable to a fine of \$200 or to imprisonment for a term of not more than one year, or to both.

Pretence,
that ballot
not secret

(2) It is a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. R.S.O. 1960, c. 249, s. 180.

Posting of
provisions
as to corrupt
practices

181. The clerk shall furnish every deputy returning officer with at least two copies of sections 178 to 180, and the deputy returning officer shall post them in conspicuous places at the polling place. R.S.O. 1960, c. 249, s. 181.

Witnesses
not excused
from
answering
on ground
of privilege,
etc.

182.—(1) No person is excused from answering any question put to him in an action or proceeding touching or concerning an election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege or on the ground that the answer will tend to criminate him or subject him to any penalty under this Act.

Answers of
witness not
to be used
against him
if judge
gives cer-
tificate

(2) No answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him or subject him to any penalty under this Act, shall be used in any proceeding thereunder against such person, if the judge or officer before whom he is examined gives to the witness a certificate that he claimed the right to be excused on either of such grounds, and made full and true answer to the satisfaction of the judge. R.S.O. 1960, c. 249, s. 182.

WHEN NO PENALTY RECOVERABLE

When
penalty for
corrupt
practice
not to be
recoverable

183. No pecuniary penalty is recoverable for bribery or a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the offence; but this provision does not apply if the judge before whom the person claiming the benefit of it is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender. R.S.O. 1960, c. 249, s. 183.

PART VI

MEETINGS OF MUNICIPAL COUNCILS

FIRST MEETING OF COUNCIL

184.—(1) The first meeting of the council of a local municipality after an annual or biennial election, as the case may be, shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law. R.S.O. 1960, c. 249, s. 184 (1); 1962-63, c. 87, s. 8.

First meeting of council, local municipality

(2) The first meeting of the council of a county shall be held on the third Tuesday in January at 2 o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday in January and at such hour as may be fixed by by-law.

county

(3) No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

Declarations of office before business

(4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. R.S.O. 1960, c. 249, s. 184 (2-4).

When council deemed organized

185. A member of a county council shall not take his seat until he has filed with the clerk of the county council a certificate (Form 19) under the hand of the clerk of the municipality for which he was elected and the seal of the corporation. R.S.O. 1960, c. 249, s. 185.

Certificate of election

186.—(1) In each year at the first meeting of a county council at which a majority of all the members is present, they shall organize as a council and elect one of the members to be warden.

Warden, election

(2) The clerk shall preside or, if there is no clerk, the members present shall select a member to preside, and the person so elected may vote as a member.

Clerk to preside

(3) Subject to subsection 4 and to section 197, the warden shall be elected in the manner provided by resolution of the council passed prior to the election.

Conduct of election

(4) In case of an equality of votes, the reeve or, in his absence, the deputy reeve of the municipality which for the preceding year had the largest equalized assessment shall have a second or casting vote. R.S.O. 1960, c. 249, s. 186.

Case of equality of votes

PLACE OF MEETING

Place of
first meeting
of county
council

187. The first meeting of a county council shall be held at the county hall if there is one and, if there is none, at the court house. R.S.O. 1960, c. 249, s. 187.

Subsequent
meetings

188. The subsequent meetings of the county council and all meetings of every other council shall be held at such place as the council from time to time appoints. R.S.O. 1960, c. 249, s. 188.

Location
of offices,
county

189.—(1) The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and servants within such municipality and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose.

township

(2) The council of a township has the like power in respect of an adjacent urban municipality or township in the same county. R.S.O. 1960, c. 249, s. 189.

Open
meetings

R.S.O. 1970,
c. 118

190.—(1) The meetings, except meetings of a committee including a committee of the whole, of every council and of every local board as defined by *The Department of Municipal Affairs Act*, except boards of commissioners of police and school boards, shall be open to the public, and no person shall be excluded therefrom except for improper conduct. 1960-61, c. 59, s. 4.

Exclusion
of certain
persons

(2) The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1960, c. 249, s. 190 (2).

Quorum

191.—(1) A majority of the whole number of members required to constitute a council is necessary to form a quorum.

Where
council
consists
of five
members

(2) Where a council consists of only five members, the concurrent votes of at least three of them is necessary to carry any resolution or other measure. R.S.O. 1960, c. 249, s. 191.

Head of
council to
preside

192.—(1) The head of the council shall preside at all meetings of the council.

Special
meeting

(2) The head of the council may at any time summon a special meeting, and upon receipt of the petition of the majority of the members of the council the clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. R.S.O. 1960, c. 249, s. 192.

Place of
special
meeting

193. If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be either open or closed as in the opinion of the council, expressed by

resolution in writing, the public interest requires. R.S.O. 1960, c. 249, s. 193.

194. In the absence of the head of the council, or if his office is vacant, or if he refuses to act, the council may, from among the members, appoint a presiding officer who, during such absence or vacancy or refusal to act, has all the powers of the head of the council. R.S.O. 1960, c. 249, s. 194.

Appointment of presiding officer in absence of head

195. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he has the same authority as the absent person would have had if present. R.S.O. 1960, c. 249, s. 195.

Casual absence of presiding officer

196. The head of the council, or the presiding officer, except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1960, c. 249, s. 196.

Head or presiding officer may vote; equality of votes

197.—(1) Except where he is disqualified to vote by reason of interest or otherwise, where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it. R.S.O. 1960, c. 249, s. 197 (1); 1960-61, c. 59, s. 5.

Voting to be open and to be recorded

(2) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. R.S.O. 1960, c. 249, s. 197 (2).

No vote by ballot

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council. R.S.O. 1960, c. 249, s. 198; 1965, c. 77, s. 13.

Prohibition as to member voting to appoint himself to office

199.—(1) If a member of a council or of a local board as defined in *The Department of Municipal Affairs Act* has any pecuniary interest, direct or indirect, in any contract or proposed contract with the council or local board, as the case may be, or in any other matter in which the council or local board, as the case may be, is concerned and is present at a meeting of the council or local board, as the case may be, at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose his interest and shall not take part in the consideration or

Disclosure of interest in contract R.S.O. 1970, c. 118

discussion of, or vote on any question with respect to, the contract, proposed contract or other matter.

Idem
R.S.O. 1970,
c. 118

(2) If the interest of a member of a council or of a local board as defined in *The Department of Municipal Affairs Act* has not been disclosed as required by subsection 1 by reason of his absence from the meeting referred to therein or by reason of such interest having been acquired subsequent to such meeting, he shall disclose such interest at the first meeting of such council or local board attended by him after the meeting referred to in subsection 1 or after acquiring such interest, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter.

Not
applicable
to interest
in certain
matters

(3) Subsection 1 does not apply to an interest in a contract, proposed contract or other matter that a member may have as a ratepayer or elector or as a user of any public utility service supplied to him by the council or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the council or local board, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

Effect of
failure to
disclose on
proceedings
of council

(4) The failure of one or more members of a council or local board to comply with subsection 1 does not invalidate the proceedings of such council or local board in respect of the contract, proposed contract or other matter mentioned in subsection 1.

Recording
of
disclosure

(5) Every disclosure of interest at a meeting shall be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the local board, as the case may be.

Recording
of non-
disclosure

(6) Where it appears at any meeting that a disclosure of interest that should have been made at the meeting or at any previous meeting was not made, the fact that the disclosure of interest was not made shall be recorded in the minutes of the meeting by the clerk of the municipality or local board, as the case may be. 1960-61, c. 59, s. 6.

Where
exception
from dis-
qualification
does not
apply

(7) Where a member of a council or local board as defined in *The Department of Municipal Affairs Act*, being under a duty to disclose his interest and to refrain from the consideration or discussion of or voting on any question under subsection 1, fails to disclose his interest or to refrain from the consideration or discussion of or voting on such question, he is not entitled to exemption from disqualification under clauses *a*, *b*, *d* and *l* of subsection 3 of section 36. 1961-62, c. 86, s. 23.

Application
of ss. 198,
199 re
filling of
vacancies

200. Sections 198 and 199 do not apply to the election or appointment of a member of council to fill a vacancy, office or position in the council or in any local board as defined by *The*

Department of Municipal Affairs Act when the council is empowered or required by any general or special Act to fill such vacancy, office or position. 1961-62, c. 86, s. 24. R.S.O. 1970, c. 118

201. A council may adjourn its meetings from time to time. R.S.O. 1960, c. 249, s. 199. Adjournment

202. The council of a county may by by-law provide that a member who in council has an additional vote by virtue of subsection 2 of section 27 shall as a member of any committee have an additional vote therein. R.S.O. 1960, c. 249, s. 200. Voting of county councillors in committee

PART VII

BOARDS OF CONTROL

203.—(1) Subject to subsection 2, in cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote. R.S.O. 1960, c. 249, s. 201; 1961-62, c. 86, s. 25 (1). In cities of not less than 100,000

(2) The council of a city having a population of not less than 100,000 may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law providing that the city shall not have a board of control. City may dispense with board of control

(3) No by-law passed under subsection 2 shall come into force without the approval of the Municipal Board. 1961-62, c. 86, s. 25 (2). Approval of Municipal Board

204.—(1) In cities or towns having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law, In cities or towns of not less than 45,000 and other local municipalities of not less than 100,000

(a) where the council, excluding the head of council, reeve and deputy reeve, consists of ten or more members, providing that there shall be a board of control consisting of the head of council and four controllers to be elected by general vote; or

(b) where the council, excluding the head of council, reeve and deputy reeve, consists of less than ten members, providing that there shall be a board of control consisting of the head of council and two controllers to be elected by general vote; or

(c) where the council of a municipality has passed a by-law or by-laws providing that the council shall consist of ten or more members to be elected at the next election of members of the council, providing that, commencing with the first year in which the enlarged council holds

office, there shall be a board of control consisting of the head of council and four controllers to be elected by general vote. 1961-62, c. 86, s. 26, *part*; 1964, c. 68, s. 4; 1965, c. 77, s. 14.

Approval of
Municipal
Board

(2) No by-law passed under subsection 1 or a by-law that repeals a by-law passed under subsection 1 comes into force without the approval of the Municipal Board.

Composition
of council

(3) Notwithstanding any other provision in this Act, where the council of a municipality provides that there shall be a board of control in the municipality, the council shall be composed of such members, except a reeve who is not the head of council and a deputy reeve, as are otherwise provided in this Act together with the members of the board of control.

County rep-
resentation

(4) For the purpose of representation on county council,

(a) in the case of a town,

(i) the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the reeve of the town, and

(ii) the controller who at such election received the second highest number of votes shall be deemed to be the deputy reeve of the town; and

(b) in the case of any other local municipality that is entitled to a deputy reeve, the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the deputy reeve of the local municipality; and

(c) where because of a tie vote it cannot be ascertained which controller received the highest or second highest number of votes or where one or more of the controllers is elected by acclamation, the controller who shall be deemed to be reeve or deputy reeve, as the case may be, shall be determined by resolution of council. 1961-62, c. 86, s. 26, *part*.

Salaries of
members

205. The council of a municipality having a board of control may by by-law fix the salaries of the members of the board. R.S.O. 1960, c. 249, s. 203 (1); 1961-62, c. 86, s. 27; 1968, c. 76, s. 11.

Presiding
officer to
act in
absence of
head of
council

206. During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board. R.S.O. 1960, c. 249, s. 204; 1961-62, c. 86, s. 28.

207.—(1) A majority of the members of a board of control is a quorum, and the head of council shall preside at the meetings of the board, and, in his absence, the members shall appoint one of their number to preside. 1961-62, c. 86, s. 29. Quorum,
head of
council
to preside

(2) If a vacancy occurs in the office of controller, the council, at a meeting called for that purpose, shall appoint a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. R.S.O. 1960, c. 249, s. 205 (2); 1967, c. 55, s. 8. Filling
vacancies

208.—(1) It is the duty of the board of control,

- (a) to prepare estimates of the proposed expenditure of the year and certify them to the council for its consideration; Duties of
board:
to prepare
estimates
- (b) to prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material, and supplies, implements, machinery, or other goods or property required and that may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting; to award
contracts
- (c) to inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress; to inspect
municipal
works
- (d) to nominate to the council all heads of departments and sub-departments in case of a vacancy and, after a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks. R.S.O. 1960, c. 249, s. 206 (1); 1967, c. 55, s. 9 (1). to nominate
officers of
corporation

(2) The board of control may dismiss or suspend any head of a department and shall forthwith report such dismissal or suspension to the council. 1967, c. 55, s. 9 (2). Dismissal
of depart-
ment heads

(3) The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum not provided for by the estimates or by a special or supplementary estimate certified by the board to the council, without a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition does not extend to the payment of any debenture or other debt or liability of the corporation. Appropri-
ation and
expenditure

(4) When opening tenders, the board shall require the presence of the head of the department or sub-department with which the subject-matter of them is connected and, when requisite, the presence of the city solicitor. Head of de-
partment to
be present
when tenders
are opened

(5) The head of such department or sub-department may take part in any discussion at the board relating to the tenders. Discussion
as to
tenders

Reversal
by council
of action
of board

(6) The council shall not without a two-thirds vote reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tender other than the one to whom the board has awarded it.

Appoint-
ment of
head of
department
and duties of
nomina-
tion of
board

(7) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or selected by the council in the absence of the nomination of the board as provided by clause *d* of subsection 1, without a two-thirds vote.

Reinstatement
of dismissed
head

(8) Where the head of a department has been dismissed by the board, he shall not be reappointed or reinstated by the council without a two-thirds vote.

Controlling
appointment
and duties of
subordinate
officers

(9) In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants, employees, servants and workmen not included in clauses *d* and *e* of subsection 1, the board may direct by whom and in what manner they shall be appointed, engaged or employed.

Submission
of by-laws,
etc.
Amalgama-
tion of de-
partments

(10) The board may submit proposed by-laws to the council.

(11) The board, where in its opinion it is desirable, may amalgamate departments or sub-departments.

Secretary
of board

(12) The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned to him by the board or by the mayor or the council.

Other duties
assigned by
council

(13) The council may by by-law or resolution assign to the board such other duties as the council considers proper.

Copies of
minutes,
when to be
furnished
to council

(14) The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession that the council may require.

Referring
matter back
for recon-
sideration

(15) The council may refer back to the board any report, nomination, question or matter for reconsideration.

Recording
votes on
action of
board

(16) Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.

School
boards to
send in
estimates

(17) The public, secondary and separate school boards, the board of education, the board of commissioners of police and the public library board and every other board, whose estimates are to be provided for, shall furnish their annual estimates to the board on or before the 1st day of March in each year. R.S.O. 1960, c. 249, s. 206 (2-16).

(18) Clause *d* of subsection 1 does not apply to a member of the fire department, except the head of it, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative. 1968-69, c. 74, s. 5.

Certain officers not to be nominated by board

(19) Notwithstanding any other provision in this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection 10. R.S.O. 1960, c. 249, s. 206 (19).

Exclusive rights of board

PART VIII

OFFICERS OF MUNICIPAL CORPORATIONS

THE HEAD

209.—(1) The warden of a county, the mayor of a city or town and the reeve of a village or township is the head of the council and the chief executive officer of the corporation.

Who to be head of council

(2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the head of the council.

Acting head of council

(3) The council of any municipality may by by-law appoint a member of the council to act from time to time in the place and stead of the head of the council when the head of the council is absent from the municipality or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the head of the council. R.S.O. 1960, c. 249, s. 210.

Idem

210. It is the duty of the head of the council,

Duties of head of council

- (a) to be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- (b) to oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- (c) to communicate to the council from time to time such information and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. R.S.O. 1960, c. 249, s. 211.

211. The head of the council may be paid such annual or other remuneration as the council may determine. R.S.O. 1960, c. 249, s. 212.

Remuneration of head

Mayor may
call out
posse comitatus

212. The mayor of a city or town may call out the *posse comitatus* to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so. R.S.O. 1960, c. 249, s. 213.

Substitute
for head of
council as
ex officio
member of
boards, etc.

213. The council of any municipality may by by-law, passed with the written consent of the head of the council, appoint a member of the council to act in the place of the head of the council on any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act, except a board of commissioners of police. R.S.O. 1960, c. 249, s. 214.

CHIEF ADMINISTRATIVE OFFICER

Chief
Administra-
tive
officer

214. The council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law. 1970, c. 135, s. 1.

THE CLERK

Appoint-
ment of
clerk, and
his duties

215.—(1) The council shall appoint a clerk, whose duty it is,

- (a) to truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep the books, records and accounts of the council;
- (d) to preserve and file all accounts acted upon by the council;
- (e) to keep in his office or in the place appointed for that purpose the originals of all by-laws and of all minutes of the proceedings of the council;
- (f) to perform such other duties as may be assigned to him by council.

Deputy
clerk

(2) The council may appoint a deputy clerk who shall have all the powers and duties of the clerk under this and every other Act.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk under this and every other Act. R.S.O. 1960, c. 249, s. 215.

(4) Notwithstanding subsection 1, on the request of the Archivist of Ontario, the council may permit the originals of by-laws no longer in force or the operation of which is spent or of minutes of the proceedings of the council to be kept by the Archivist instead of the clerk, provided that a photographic copy of all such documents is kept by the clerk. 1966, c. 93, s. 11.

Original
by-laws kept
by Archivist

216.—(1) Except as otherwise provided in any Act, any person, at all reasonable hours, may inspect any records, books, accounts and documents in the possession or under the control of the clerk, except inter-departmental correspondence and reports of officials of any department or of solicitors for the corporation made to council, board of control or any committee of council, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand to any applicant on payment at the rate of 10 cents for every 100 words or such other rate as the council may fix. R.S.O. 1960, c. 249, s. 216 (1).

Inspection
of records,
books, etc.,
in possession
of clerk

(2) The clerk shall keep an index book in which he shall enter the number and date of,

Index of
restricted
area by-laws,
etc.

(a) every subsisting by-law heretofore passed under section 35 of *The Planning Act* or a predecessor of that section;

R.S.O. 1970,
c. 349

(b) every by-law hereafter passed under section 35 of *The Planning Act*; and

(c) every other subsisting by-law, and every other by-law hereafter passed, that affects land but does not directly affect the title to land. R.S.O. 1960, c. 249, s. 216 (2); 1960-61, c. 59, s. 7.

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and under the seal of the corporation may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. R.S.O. 1960, c. 249, s. 216 (3); 1965, c. 77, s. 15.

Copies certi-
fied by
clerk to be
receivable
in evidence

217.—(1) The clerk of every municipality shall in each year within the time prescribed by the Department make a return to the Department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Department may prescribe, and every such return shall be transmitted by registered mail.

Clerks' returns to
Department

(2) For every contravention of this section, the clerk is guilty of an offence and on summary conviction is liable to a fine of not more than \$40.

Offence

Returns by
Department

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly. R.S.O. 1960, c. 249, s. 217.

THE TREASURER

Treasurer

218.—(1) The council shall appoint a treasurer.

Deputy
Treasurer

(2) The council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer under this and every other Act.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties through illness or otherwise, the council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer under this and every other Act. R.S.O. 1960, c. 249, s. 218.

Appoint-
ment of
county
treasurer
pro tem

219.—(1) In case of the death of the treasurer of a county, the warden may, by warrant under his hand, appoint for such special purpose as he considers necessary a treasurer *pro tempore*, who shall hold office until the next meeting of the council, and all acts authorized by the warrant that are performed by him are as valid and binding as if performed by a treasurer.

Security to
be given

(2) The warden shall, by the warrant, direct that security within the meaning of subsection 2 of section 233 shall be given by the treasurer *pro tempore* for the faithful performance of his duties and for duly accounting for and paying over all money that comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers or accounts of the deceased treasurer until a proper audit of them has been made. R.S.O. 1960, c. 249, s. 219.

To receive
and take
care of and
disburse
money, etc.

220.—(1) The treasurer shall receive and safely keep all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct, and every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Persons
authorized
to sign
cheques

(2) Notwithstanding subsection 1,

- (a) the council of a local municipality having a population of less than 5,000 and the council of a county may provide that cheques issued by the treasurer may be signed by the treasurer only; and
- (b) the council of any other municipality may designate one or more persons to sign cheques in lieu of the treasurer.

(3) The council of any municipality may provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques. Methods of signing cheques

(4) The council of a municipality may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund

(5) Except where otherwise expressly provided by this Act, a member of the council shall not receive any money from the treasurer for any work or service performed or to be performed. When member of council may be paid for work

(6) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the council, unless another disposition of it is expressly provided for by statute. His liability limited
R.S.O. 1960, c. 249, s. 220.

221. Subject to subsection 4 of section 220, the treasurer shall, Bank accounts, etc.

- (a) open an account or accounts in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as may be approved by the council;
- (b) deposit all money received by him on account of the municipality, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the municipality entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 220, the council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. R.S.O. 1960, c. 249, s. 221.

222. Every treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation. Half-yearly statement of assets
R.S.O. 1960, c. 249, s. 222.

223.—(1) The treasurer of every municipality shall in each year within the time prescribed by the Department make a return to the Department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Department may prescribe, and every such return shall be transmitted by registered mail. Treasurers' returns to Department

Offence

(2) For every contravention of this section, the treasurer is guilty of an offence and on summary conviction is liable to a fine of not more than \$40.

Returns by
Department

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly. R.S.O. 1960, c. 249, s. 223.

Publication
of financial
statement,
etc.

224.—(1) The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceeding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Inclusion
with tax
notice

(2) Where a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, include with such notice the copy or summary and the report.

Publication
of informa-
tion

(3) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers. 1965, c. 77, s. 16.

Provision
on dismissal
from office

225. Where a treasurer is removed from office or absconds, the council shall forthwith give notice to his sureties, and his successor may draw any money of the corporation that may have been deposited by the treasurer to his credit. R.S.O. 1960, c. 249, s. 224.

COLLECTORS

Collectors,
appointment

226.—(1) The council of every local municipality shall appoint as many collectors for the municipality as it considers necessary.

Appoint-
ments need
not be
annual

(2) Every by-law appointing a collector remains in force until repealed, and it is not necessary to appoint the collector annually.

Duties

(3) The council may assign to a collector the district within which he is to act, and may make regulations governing him in the performance of his duties.

Jurisdiction

(4) The same person may be appointed collector for more than one ward or polling subdivision. 1968-69, c. 74, s. 6.

AUDITORS AND AUDIT

227.—(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except school boards established under section 12 of *The Public Schools Act* or under subsection 1 or 2 of section 4, or Part IV of *The Secondary Schools and Boards of Education Act* or under Part IX of *The Regional Municipality of Ottawa-Carleton Act*, or under Part III of *The Separate Schools Act*. R.S.O. 1970, cc. 118, 385, 425, 407, 430

Appointment of auditors

(2) Where a local board is a local board of more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality that is liable for a larger portion of the operating costs of the local board than any other municipality, and, in the event of disagreement as to the proper auditor, the matter may be determined by the Department on the application of any municipality of which the local board in question is a local board. 1966, c. 93, s. 12.

Where board is local board of more than one municipality

(3) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the municipality and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Cost of audit

(4) Every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory shall appoint one or more auditors and the provisions of this Act with respect to auditors apply *mutatis mutandis*. R.S.O. 1960, c. 249, s. 228 (3, 4).

Local boards in unorganized territory

(5) Where by any other general or special Act, except Part IV of *The Secondary Schools and Boards of Education Act* and Part III of *The Separate Schools Act*, auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power is not mandatory, notwithstanding such Act. R.S.O. 1960, c. 249, s. 228 (5); 1968, c. 76, s. 12 (2); 1968-69, c. 74, s. 8 (2).

Provision to avoid duplication of audits

(6) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local

Disqualification of persons as auditors

board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the municipality or any of such local boards other than for services within his professional capacity. R.S.O. 1960, c. 249, s. 228 (6); 1960-61, c. 59, s. 8.

Case of
county
auditor
refusing
to act

(7) If a person appointed auditor for a county refuses or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his stead. R.S.O. 1960, c. 249, s. 228 (7).

Duties of
auditor

228. An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department and shall prepare the material to be published by the treasurer under section 224. R.S.O. 1960, c. 249, s. 229; 1961-62, c. 86, s. 33.

Right of
access, etc.

229.—(1) The auditor of a municipality has right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the municipality or any local board thereof, and is entitled to require from the members of council and local boards and from the officers of the municipality and its local boards such information and explanation as in his opinion may be necessary to enable him to carry out such duties as are prescribed by the Department.

Auditor
may take
evidence on
oath
R.S.O. 1970,
c. 379

(2) The auditor may require any person to give evidence on oath touching any of such matters and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Auditor
may attend
meetings

(3) The auditor is entitled to attend any meeting of members of council or any local board of the municipality and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. R.S.O. 1960, c. 249, s. 230.

Audit of
accounts
before
payment

230. The council of any municipality may provide that all accounts shall be audited before payment. R.S.O. 1960, c. 249, s. 231.

The council
to audit
finally, etc.

231. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation, and, where charges are not regulated by law, the council shall allow what is reasonable. R.S.O. 1960, c. 249, s. 232.

232. The Treasurer of Ontario may in his discretion retain in his hands any money payable to a corporation, if it is certified to him by the Department that any officer of the corporation whose duty it is to make returns to the Department has not done so. Money payable by Province to be retained if returns not made
 R.S.O. 1960, c. 249, s. 233.

233.—(1) Every treasurer, deputy treasurer and collector and every other officer of the corporation, as the council may require, before entering on the duties of his office shall give annually such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all money that comes into his hands. Security to be furnished by officers

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act* and shall be in such form and on such terms as the Department may approve. Nature of security R.S.O. 1970, c. 196

(3) It is the duty of the council, at a meeting held not later than the 15th day of February in every year with respect to those of its officers who continue in office from year to year and at the first meeting after his appointment with respect to any newly appointed officer, to require the production before it of every bond, policy or guarantee contract required under this section. Inspection of surety bonds

(4) The council shall forthwith after the production thereof direct where and with whom the bonds, policies and guarantee contracts given under this section shall be deposited for safe keeping and where the same shall be available for inspection by the auditor, and the auditor shall in his annual report to the Department include such information with respect to the same as may be required by the Department. Inspection and return as to security

(5) The premiums payable in respect of any bond, policy or guarantee contract given under this section is payable by the corporation out of its general funds. Premiums

(6) The Department may upon examination of any return made to it for any municipality under this section report to the council with respect to matters arising out of the return, and as to the necessity for other officers, employees and servants furnishing security, and as to the sufficiency of security furnished as disclosed by the return. Notices from Department as to surety bonds

(7) This section applies *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, except a school board, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, except a school board. R.S.O. 1960, c. 249, s. 234. Local boards and authorities R.S.O. 1970, c. 118

Publication
of state-
ments of
revenues
and ex-
penditures

234. The council of any municipality may, prior to the day fixed for holding nominations, publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department. R.S.O. 1960, c. 249, s. 235.

DUTIES OF OFFICERS RESPECTING OATHS AND
DECLARATIONS

Declaration
of office
of members
of council,
etc.

235.—(1) Every member of a council, trustee of a police village and public utility commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 20) and an oath of allegiance (Form 2). 1966, c. 93, s. 13, *part*; 1968, c. 76, s. 13.

Municipal
officers

(2) Every clerk, treasurer, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 21). 1966, c. 93, s. 13, *part*; 1968-69, c. 74, s. 9.

Declaration
of person
appointed to
more than
one office

(3) Every person elected or appointed to two or more municipal offices may make one declaration of office as to all of them. R.S.O. 1960, c. 249, s. 236 (2).

Oath of
office

(4) Every returning officer, deputy returning officer and poll clerk before entering upon the duties of his office shall take the oath of office (Form 22).

Administra-
tion of oaths
to deputy
returning
officers and
poll clerks

(5) Where by this Act any oath or declaration is required to be made by a deputy returning officer or by a poll clerk, and no special provision is made therefor, the oath or declaration, in the case of a deputy returning officer, may be made before the returning officer for the municipality or ward or before the poll clerk or before any person authorized to administer an oath, and, in the case of a poll clerk, before any such person or before the deputy returning officer.

Auditor's
declaration

(6) Every auditor, before entering upon his duties, shall make and subscribe a declaration (Form 23).

Filing of
declaration

(7) Except where otherwise provided, the person by whom the oath or declaration is made shall file it in the office of the clerk within eight days after it is made. R.S.O. 1960, c. 249, s. 236 (4-7).

Declaration
of office

236. Every qualified person elected to any municipal office shall take the declaration of office, where he is elected to fill a vacancy, within ten days after his election, and in other cases on or before the day fixed for holding the first meeting of the body to which he was elected, and in default he shall be deemed to have resigned. R.S.O. 1960, c. 249, s. 237.

SALARIES, TENURE OF OFFICE AND GRATUITIES

237.—(1) When the remuneration of any officer of a corporation is not fixed by law, the council shall fix it. R.S.O. 1960, c. 249, s. 238 (1). Salaries of officers

(2) The council shall give to the clerk for services and duties performed by him under *The Drainage Act* a fair and reasonable remuneration to be fixed by the council. R.S.O. 1960, c. 249, s. 238 (2), *amended*. Remuneration of clerk for certain services
R.S.O. 1970, c. 136

(3) The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by him, other than such as it is his duty to perform under that Act. Fees for copies of awards, etc.

(4) Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made, the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration. R.S.O. 1960, c. 249, s. 238 (3, 4). Remuneration not to be settled by tender

(5) Notwithstanding any other Act, in any proceeding to which a municipality is a party, costs adjudged to the municipality shall not be disallowed or reduced merely because the solicitor or the counsel who earned such costs, or in respect of whose services the costs are charged, was a salaried officer of the municipality performing such services in the discharge of his duty and remunerated therefor by his salary, or for that or any other reason was not entitled to recover any costs from the municipality in respect of the services so rendered, and the costs recovered by or on behalf of the municipality in any such case shall be paid into the general funds of the municipality. 1967, c. 55, s. 11. Costs of municipality in any proceeding

238.—(1) Subject to subsection 2, all officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the council. 1962-63, c. 87, s. 9, *part*. Tenure of office

(2) No chief administrative officer, clerk, treasurer or engineer shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned. 1962-63, c. 87, s. 9, *part*; 1968-69, c. 74, s. 10; 1970, c. 135, s. 3. Dismissal of officers

239.—(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any Retirement allowances

R.S.O. 1970,
c. 118

other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who,

- (a) is retired because of age; or
- (b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service. R.S.O. 1960, c. 249, s. 240 (1).

Allowance
to surviving
spouse

(2) Where a council grants an annual retirement allowance to an employee under subsection 1, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee. 1970, c. 135, s. 4.

Contribu-
tions by
municipality
or local
board

(3) Where a council grants an annual retirement allowance to an employee under subsection 1, any municipality or local board of which he has been an employee may contribute to such allowance by agreement with the municipality granting the allowance.

Interpre-
tation

(4) In subsection 1, "pension payments" means only pension payments that have resulted from the joint contributions of employer and employee, and does not include any such payments that have resulted solely from contributions of the employee.

Application
of section

(5) This section does not apply to an employee who has entered or enters the service of any municipality or local board after the 1st day of January, 1948.

Interpre-
tation

(6) In this section, "employee" has the same meaning as in paragraph 64 of section 352. R.S.O. 1960, c. 249, s. 240 (2-5).

Repeal of
by-law
prohibited

(7) No by-law passed under this section shall be repealed. 1961-62, c. 86, s. 34.

INVESTIGATION OF CHARGES OF MALFEASANCE, ETC., OR JUDICIAL INQUIRY IN RELATION TO MUNICIPAL MATTERS

Investiga-
tion by
county
judge of
charges of
malfeasance

240.—(1) Where the council of a municipality passes a resolution requesting a judge of the county or district court of the county or district in which the municipality is situate, or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the council,

or an officer or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant or other person to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality or the conduct of any part of its public business, including any business conducted by a commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry and for that purpose has all the powers that may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken. R.S.O. 1970,
c. 379

(2) The judge shall be paid by the corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable
to judge
R.S.O. 1970,
c. 228

(3) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging
counsel R.S.O. 1960, c. 249, s. 241.

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the municipality shall pay the costs thereof. Idem 1968, c. 76, s. 14.

PART IX

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES

241.—(1) Except where otherwise provided, the jurisdiction of every council is confined to the municipality that it represents and its powers shall be exercised by by-law. Jurisdiction
of councils

(2) A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. By-law not
to be
quashed
because un-
reasonable R.S.O. 1960, c. 249, s. 242.

242. Every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not General
power to
make regu-
lations

contrary to law, and for governing the proceedings of the council, the conduct of its members and the calling of meetings. R.S.O. 1960, c. 249, s. 243.

Council a
continuing
body

243. Proceedings begun by one council may be continued and completed by a succeeding council. R.S.O. 1960, c. 249, s. 244.

Certain acts
not to be
done by
councils
after polling
day

244.—(1) The council of a local municipality shall not, after the day the poll is held for the election of the new council, or, where all members of council are elected by acclamation, after the day the candidates are declared elected under section 50, pass any by-law, except a by-law with respect to an undertaking, work, project, scheme, act, matter or thing that has been approved by the Municipal Board, or resolution for, or that involves, directly or indirectly, the payment of money other than that provided in the estimates for the current year, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one that the council is required by law to do or is one that the council is authorized to do by a resolution or by-law passed before the day the poll is held or the day the members of council are declared elected under section 50, as the case may be. R.S.O. 1960, c. 249, s. 245.

Application
of subs. 1

(2) Subsection 1 does not apply if the new council that will take office after the poll or acclamation will be composed of not less than three-quarters of the members of the council as composed at the time of the poll or acclamation. 1961-62, c. 86, s. 35.

Fiscal year
and audit

245. Notwithstanding any other provision in this Act or any general or special Act,

R.S.O. 1970,
c. 118

- (a) the fiscal year of every municipality and local board, as defined in *The Department of Municipal Affairs Act*, is the calendar year from the 1st day of January to the 31st day of December; and
- (b) the accounts referred to in section 231 are those of the next preceding fiscal year. R.S.O. 1960, c. 249, s. 246.

Power to
license in-
cludes power
to prohibit

246.—(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it includes the power to prohibit the carrying on of or the engaging in it without a licence. R.S.O. 1960, c. 249, s. 247 (1).

Power to
license or
regulate
places or
things
includes
power to
license and
regulate
trades, etc.

(2) The power to license, regulate or govern places or things includes a power to license, regulate or govern the trades, callings or businesses for which such places or things are used and the persons carrying on or engaged in them. 1965, c. 77, s. 19.

(3) Except where the power of fixing the fee to be paid for the licence is expressly conferred on a board of commissioners of police, the council of the municipality, where by this or any other Act the council or the board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, may, subject to the limitations in the Act, fix the fee to be paid for the licence and the time for which it shall be in force and may provide for enforcing payment of the licence fee.

Who to fix
amount of
licence fee

(4) The licence fee may be in the nature of a tax for the privilege conferred by it.

Licence fee
may be a
tax

(5) Subject to *The Theatres Act*, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or of revoking a licence under any of the powers conferred upon a council or a board of commissioners of police by this or any other Act, is in its discretion, and it is not bound to give any reason for refusing or revoking a licence and its action is not open to question or review by any court.

Discretion
as to grant-
ing or
refusing a
licence
R.S.O. 1970,
c. 459

(6) Notwithstanding subsection 5, a board of commissioners of police or a council shall not refuse to grant a licence with respect to the carrying on of any business by reason only of the location of such business where such business was being carried on at such location at the time of the coming into force of the by-law requiring such licence.

Certain
licences not
to be refused
by reason
only of loca-
tion of busi-
ness affected

(7) Where a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted. R.S.O. 1960, c. 249, s. 247 (2-6).

Refund
when licence
revoked

(8) Where, under this or any other Act, a board of commissioners of police is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, and for revoking such licences, the board may by by-law authorize the chief of police of the municipality to suspend any such licence for such time and subject to such terms and conditions as the by-law may provide.

Suspension
of licences

(9) No suspension of a licence by a chief of police is effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the board after the suspension, whichever occurs first. R.S.O. 1960, c. 249, s. 247 (7, 8), *amended*.

Idem

(10) Notwithstanding subsection 5, the decision of a board of commissioners of police in refusing or revoking a licence is subject to an appeal therefrom to a judge of the Supreme Court whose decision is final.

Appeal from
revocation
of licence

Practice
on appeal

(11) The practice and procedure on and in relation to an appeal made under subsection 10 shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Master of the Supreme Court in an action or proceeding in the Supreme Court. R.S.O. 1960, c. 249, s. 247 (9, 10).

Granting
monopolies
prohibited
R.S.O. 1970,
cc. 165, 457

247.—(1) Subject to section 252, and to section 6 of *The Ferries Act* and to section 100 of *The Telephone Act*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

Limiting
number of
pool and
billiard
tables and
licences

(2) This section does not prevent the council under the powers conferred by paragraph 1 of section 383 from limiting the number of licences and the number of tables to such number as the council considers fit even if the number be limited to one. R.S.O. 1960, c. 249, s. 248.

Bonuses
prohibited

248. Notwithstanding any general or special Act, a council shall not grant bonuses in aid of any manufacturing business or other industrial or commercial enterprise. 1961-62, c. 86, s. 36, *part*.

Destruction
of docu-
ments
R.S.O. 1970,
c. 118

249.—(1) Subject to subsection 2, a municipality or a local board thereof, as defined in *The Department of Municipal Affairs Act*, except a school board, shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers except,

- (a) after having obtained the approval of the Department; or
- (b) in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing schedules of retention periods during which the receipts, vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or local board. 1965, c. 77, s. 20; 1968-69, c. 74, s. 11 (1).

When copies
may be
destroyed

(2) Where a by-law has been passed by a municipality under clause *b* of subsection 1, copies of its receipts, vouchers, instruments, rolls or other documents, records and papers may be destroyed at any time if the original thereof is subject to a retention period within one of the schedules established by the by-law. 1968-69, c. 74, s. 11 (2).

250.—(1) In this section,Interpre-
tation

- (a) “approved pension plan” means a pension, superannuation or benefit fund or plan to which a municipality or local board makes contribution under any general or special Act, except *The Public Service Superannuation Act*, *The Teachers’ Superannuation Act* and *The Ontario Municipal Employees Retirement System Act*;

R.S.O. 1970,
cc. 387, 455,
324

- (b) “employee” means an employee as defined in paragraph 64 of section 352;

- (c) “local board” means a local board as defined in paragraph 64 of section 352;

- (d) “service” means employment of an employee, and “credited service” means service under an approved pension plan for which a pension is payable;

- (e) “year’s maximum pensionable earnings” means the Year’s Maximum Pensionable Earnings as defined in the *Canada Pension Plan*.

1965, c. 51
(Can.)

(2) Subject to the approval of the Department, a municipality or local board that makes contribution to an approved pension plan may discontinue contributions to or terminate the provisions of such plan or may transfer the assets thereof to another such plan or to the Ontario Municipal Employees Retirement Fund.

Termination
of approved
pension plan

(3) Notwithstanding any general or special Act, the terms and conditions of an approved pension plan shall not be altered, amended or repealed without the approval of the Department.

Amendment
of approved
pension plan

(4) Notwithstanding any general or special Act, a municipality or local board shall not make a contribution for the provision of a pension with respect to an employee under an approved pension plan or under *The Ontario Municipal Employees Retirement System Act* that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service up to thirty-five years and reduced by 0.7 per cent of the lesser of such average annual earnings or the year’s maximum pensionable earnings established at the time he ceased to be employed by the municipality or local board multiplied by the number of years of credited service of the employee after the 1st day of January, 1966, but this subsection does not apply so as to reduce any benefit provided under the terms and conditions of an approved pension plan in force on the 31st day of December, 1965.

Maximum
pension
benefitR.S.O. 1970,
c. 324

(5) Notwithstanding any general or special Act, where an employee on or after the 1st day of March, 1948,

Transfer
from
approved
pension plan

- (a) has been contributing to an approved pension plan;

- (b) terminates his employment with the municipality or local board; and
- (c) without intervening employment becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the approved pension plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under such plan in respect of his employment with the municipality or local board to the date of such termination as if he had continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

- (d) the contributions made by the employee under the approved pension plan, plus any interest thereon; or
- (e) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension benefits and any other benefits under the approved pension plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided that such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

Transfer to
approved
pension plan

(6) Notwithstanding any general or special Act, where a member of,

- (a) the civil service of Ontario or Canada;
- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, becomes an employee of a municipality or local board that makes contributions to an approved pension plan and there is a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service, the municipality may accept the transfer of such sum of money and apply it for the benefit of the employee in accordance with the terms of the approved pension plan.

(7) Where a sum of money is transferred in accordance with subsection 5 or 6 to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member, as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred, may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred. 1966, c. 93, s. 14.

Restriction
upon
refund

251. Where, after the 1st day of June, 1965, a by-law under paragraph 53 of subsection 1 of section 354 or section 362 is passed imposing a special rate or levy within a defined area and there are in such defined area lands as defined in *The Assessment Act* that are exempt from taxation, that part of the cost of the work for which the special rate or levy is made that would be chargeable to such exempt lands if they were not exempt from taxation shall be levied against all the rateable property in the municipality. 1965, c. 77, s. 22.

Special
rates re
exempt
lands in
defined
areas
R.S.O. 1970,
c. 32

252.—(1) The council of a city may grant to any person, upon such terms and conditions as may be considered expedient, the exclusive right to place and maintain, for any period not exceeding ten years, waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council. R.S.O. 1960, c. 249, s. 249 (1); 1962-63, c. 87, s. 11 (1).

Exclusive
right to
maintain
waste-paper
boxes on
streets

(2) The location of the boxes is subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and the collections therein removed to the satisfaction of the city engineer and as often as he may direct. R.S.O. 1960, c. 249, s. 249 (2); 1962-63, c. 87, s. 11 (2).

Location
of boxes

(3) The council may,

Power to
control and
collect fees

- (a) regulate and control the type of construction of such boxes and from time to time vary and change the locations thereof;
- (b) allow the placing of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon;
- (c) fix and collect an annual fee from the owner thereof for the privilege granted;
- (d) keep such boxes clean and undertake the removal of the waste deposited therein. R.S.O. 1960, c. 249, s. 249 (3); 1962-63, c. 87, s. 11 (3).

253. The council of a city may establish and carry on the

Cold storage
business

business of cold storage in connection with or upon the market property of the corporation. R.S.O. 1960, c. 249, s. 250.

Joint works
and under-
takings

254. The council of a municipality may pass by-laws for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council. 1965, c. 77, s. 23.

Borrowing
powers

255. Subject to the limitations and restrictions in this and any other Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor. R.S.O. 1960, c. 249, s. 251.

Debentures
for joint
under-
takings

256.—(1) Where, under this or any other general Act, two or more municipalities are authorized or required jointly to provide moneys for any purpose, and it is necessary to raise such moneys by the issue of debentures, the Municipal Board upon the application of the council of one or more of such municipalities may by order authorize one of such municipalities to raise the whole amount required by the issue of its debentures, or to raise its portion of the moneys and the portion of one or more of the other municipalities by the issue of its debentures, and may by its order relieve the other municipalities or such other municipalities, as the case may be, from the necessity of issuing debentures.

Annual
rates

(2) Where, under an order of the Municipal Board under subsection 1, any municipality issues debentures for the portion of the moneys required to be raised by another municipality, the other municipality shall provide and raise by a special rate on all the rateable property in the municipality liable therefor, in each year of the currency of the debentures, a sum sufficient to pay its share of the principal and interest falling due in such year upon such debentures, such share to be determined in the proportion that that municipality's portion of the moneys required to be raised bears to the total amount of the debenture issue.

Payment to
municipality
issuing
debentures

(3) The sum to be raised annually by such other municipality to pay its share of any principal or interest falling due in any year upon any such debentures shall be paid to the treasurer of the municipality that issued the debentures before the day such principal or interest becomes due.

Consent
required

(4) No order of the Municipal Board under this section shall require a municipality, without its consent, to issue debentures to provide moneys required to be raised by another municipality.

Limited
application
of section

(5) This section does not apply where the Act under which the moneys are authorized or required to be raised contains provisions similar in effect to the provisions of this section. R.S.O. 1960, c. 249, s. 252.

257.—(1) When there is an emergency as defined in *The Emergency Measures Act* and the council is required to appoint a person or persons to fill a vacancy or vacancies in the offices of mayor, reeve, deputy reeve, controller, alderman or councillor, when a quorum of the council cannot be obtained, the surviving member or members of council capable of performing his or their duties as such or where there are no surviving members of council capable of performing their duties as such, the chairman of the emergency measures committee under the plan formulated for the municipality under *The Emergency Measures Act*, shall make the appointments required under section 150 and subsection 2 of section 207, but such appointments shall be only for the duration of the emergency and such further time as is required to hold an election as provided in subsection 2.

Council meetings during emergency R.S.O. 1970, c. 145

(2) When the emergency has ceased, a new election shall be held to elect the persons to fill the vacancies for the remainder of the terms of the members whose seats have become vacant, and the provisions of section 149 apply *mutatis mutandis*. 1968, c. 76, s. 15, *part*.

Election to fill vacancies after emergency

258. Where there is an emergency as defined in *The Emergency Measures Act*, the meetings of any municipal council may be held at any convenient location within or outside the municipality, and the council of a municipality may acquire and hold such land at such locations and erect such buildings thereon as may be convenient for such purpose and for any other purpose of the municipality. 1968, c. 76, s. 15, *part*.

Acquisition of property during emergency

AUTHENTICATION OF BY-LAWS

259.—(1) Every by-law shall be under the seal of the corporation, and shall be signed by the head of the council or by the presiding officer at the meeting at which the by-law was passed and by the clerk.

How by-laws to be authenticated

(2) Every by-law purporting to be so sealed and signed, when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all courts without proof of the seal or signature.

Proof of seal or signature not required

(3) Where, by oversight, the seal of the corporation has not been affixed to a by-law, it may be affixed at any time afterwards, and, when so affixed, the by-law is as valid and effectual as if it had been originally sealed.

Omission to affix seal

(4) A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall be received in evidence in all courts without proof of the seal or signature. R.S.O. 1960, c. 249, s. 253.

Certified copy of by-law

CERTIFICATE OF CLERK AS TO APPLICATION FOR BY-LAW

Certificate
of clerk
that appli-
cation for
by-law duly
signed

260.—(1) Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk has certified that the application was sufficiently signed. R.S.O. 1960, c. 249, s. 254 (1); 1968-69, c. 74, s. 12 (1).

Powers
of clerk
R.S.O. 1970,
c. 255

(2) For the purposes of this section, the clerk has all the powers of the clerk under section 15 of *The Local Improvement Act*. R.S.O. 1960, c. 249, s. 254 (2); 1968-69, c. 74, s. 12 (2).

Certificate
to be
conclusive

(3) Where the clerk has so certified, his certificate is conclusive that the application was sufficiently signed. R.S.O. 1960, c. 249, s. 254 (3); 1968-69, c. 74, s. 12 (3).

PART X

VOTING ON BY-LAWS

Interpre-
tation

261. In this Part,

- (a) "by-law" includes a resolution and a question upon which the opinion of the electors is to be obtained;
- (b) "electors" means the persons entitled to vote on the by-law;
- (c) "judge" means the judge or junior judge of the county or district court of the county or district in which the municipality, the council of which submits the by-law, is situate;
- (d) "proposed by-law" means a by-law submitted for the assent of the electors. R.S.O. 1960, c. 249, s. 255.

Bribery
sections, etc.,
to apply to
voting on
any by-law
or question

262. All the provisions of this Act, prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to the election of members of municipal councils apply *mutatis mutandis* to the voting upon a by-law, whether the submission of it to the electors is optional with or compulsory upon the council. R.S.O. 1960, c. 249, s. 256.

If a by-law
requires the
assent of
the electors,
mode of
obtaining
same

263.—(1) Where a by-law requires the assent or is submitted to obtain the opinion of the electors, except where otherwise provided the council shall, by a separate by-law, appoint the day for taking the votes of the electors, the places where the votes are to be taken and a deputy returning officer to take the votes at every such place.

Wards

(2) Where a municipality is divided into wards, there shall be at least one polling place in each ward.

(3) The date appointed shall not be less than three or more than five weeks after the first publication of the notice hereinafter mentioned. Date of taking vote

(4) The by-law for taking the vote shall also appoint a time when, and a place where, the clerk will sum up the number of votes given for and against the proposed by-law, or in the affirmative and the negative on the question and a time and a place for the appointment of persons to attend at the polling places, and at the final summing up of the votes by the clerk, on behalf of the persons interested in and promoting or opposing the by-law or voting in the affirmative or the negative on the question. Time and place for summing up votes, etc., by clerk

(5) A copy of the proposed by-law or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law or a correct statement of the question submitted, as the case may be, and, in the case of a by-law, that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and, in the case of a money by-law or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario, stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 4 of section 266. Publication of by-law

(6) The notice shall also state the day and places appointed for taking the votes, except where the votes are to be taken at the same time as the municipal election, and, in that case, shall state that the votes will be taken at the municipal election, and shall also state the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk. Notice

(7) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it, containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest or the instalments, if the debt is to be paid by instalments. Synopsis of by-law may be published

(8) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice. R.S.O. 1960, c. 249, s. 257. By-laws, questions, in one notice

264. Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be placed upon one ballot paper. R.S.O. 1960, c. 249, s. 258. By-laws, questions, in one ballot

Appointment of persons to attend at polling places and at final summing up of votes

265.—(1) The head of the council, or a member of it appointed for that purpose by resolution, shall attend at the time and place appointed and, if requested so to do, shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the proposed by-law or voting in the affirmative on the question, and a like number on behalf of the persons interested in and desirous of opposing the proposed by-law or voting in the negative on the question.

Declaration

(2) Before any person is so appointed, he shall make and subscribe a declaration (Form 24).

Appointment to be produced

(3) A person so appointed, before being admitted to the polling place or to the summing up of the votes, shall, if so requested, produce and show his appointment to the deputy returning officer.

When elector may act

(4) In the absence of a person so appointed or if no person has been appointed, any elector, upon making and subscribing, before the returning officer or deputy returning officer, a declaration (Form 24), may be present at a polling place or at the final summing up of the votes, as the case may be. R.S.O. 1960, c. 249, s. 259.

Persons qualified to vote on money by-laws

266.—(1) The persons qualified to vote on a money by-law are those entitled to vote at an election with the following exceptions:

- (a) tenants, other than those mentioned in subsection 4;
- (b) farmers' sons;
- (c) farmer's daughter or farmer's sister;
- (d) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clause *d* or *e* of subsection 1 of section 38.

Nominee of corporation

(2) The nominee of a corporation assessed upon the last revised assessment roll of the municipality which, if it had been a male person, would have been entitled to have been entered on the voters' list from which the list of voters mentioned in section 267 is to be prepared or in the case provided for by section 83 would, had it been a male person, have been entitled to be entered on such list of voters is also qualified to vote.

Where corporation assessed for residential property owned on a co-operative basis

(3) Where a corporation is assessed as owner of residential property consisting of units or apartments that are owned on a co-operative basis, the corporation may nominate a person to vote on money by-laws for each unit or apartment separately assessed on the last revised assessment roll.

(4) A tenant whose lease extends for the time for which the debt or liability is to be created or in which the money to be raised by the proposed by-law is payable, or for at least twenty-one years, and who has by the lease covenanted to pay all municipal taxes in respect of the property other than local improvement rates, if he makes and files with the clerk, not later than the tenth day before the day appointed for taking the vote, a declaration under the *Canada Evidence Act* so stating, is entitled to have his name entered on the list of voters prepared by the clerk under section 267.

Qualification
of tenants

R.S.C. 1952,
c. 307

(5) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a money by-law, it shall, not later than the tenth day before the day appointed for taking the vote, file with the clerk of the municipality an appointment in writing of a person to vote as its nominee and on its behalf, and the name of every such nominee shall be included in the list. R.S.O. 1960, c. 249, s. 260.

Appointment
of nominee
of corpo-
ration to be
filed with
clerk

267.—(1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 268 and to section 22 of *The Voters' Lists Act*, the list so prepared is final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote.

Preparation
of list of
voters

R.S.O. 1970,
c. 485

(2) The clerk shall prepare such list from the last revised voters' list, and in the case provided for by section 83 from the last revised assessment roll, omitting from his list the names of all persons whose names are entered on such voters' list or assessment roll, but are not entitled as appears by such list or roll to vote on the by-law, and in the case of money by-laws including in the list the nominees of corporations who are entitled to vote on the by-law.

From last
revised
voters' list
or assess-
ment roll

(3) When the voting is to take place at the same time as the municipal elections, it is sufficient, in the case of persons whose names are entered on the voters' list as tenants, if there is written on the voters' list used for the purpose of the election opposite to the name of such of them as are entitled to vote on the by-law the words "entitled to vote on the by-law", and it shall be deemed that the names of all others of such persons are omitted from the list within the meaning of subsection 2.

Designating
tenants
entitled to
vote

(4) The list prepared by the clerk shall be certified by him to be a true and correct list of all persons entitled to vote on the proposed by-law, and shall be forthwith posted up in his office. R.S.O. 1960, c. 249, s. 261.

Clerk to
certify

Revision
of list by
judge

268.—(1) At any time not later than five days before the day appointed for taking the vote, a judge, upon the application of any person whose name is entered on the list of voters prepared by the clerk or of any person entitled to be entered on that list, may strike from the list the name of any person who is dead or whose name has been wrongfully entered on it, and may add to the list the name of any person whose name has been wrongly omitted from the list or who, if a tenant, though he had not made the declaration prescribed by subsection 4 of section 266, establishes that he has the qualification prescribed by that section.

Proof of
death

(2) For the purpose of proving a death, the certificate of the Registrar General is sufficient evidence, but, if the identity of the person who is dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required.

Proceedings

R.S.O. 1970,
c. 485

(3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 20 of *The Voters' Lists Act*. R.S.O. 1960, c. 249, s. 262.

Voters' list
where all
municipal
electors
vote

269. Where all the municipal electors are entitled to vote on the proposed by-law, the same lists shall be used in taking the vote as would be the proper voters' list to be used at a municipal election, and such lists are as final and conclusive as to the right to vote as when used at a municipal election. R.S.O. 1960, c. 249, s. 263.

Where rate-
payers
qualified in
more than
one ward

270. In a municipality divided into wards, a voter is entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but is not entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law or other authority under which the vote is taken. R.S.O. 1960, c. 249, s. 264.

Clerk not
to have cast-
ing vote

271. The clerk, if otherwise qualified, is entitled to vote, but not to give a casting vote. R.S.O. 1960, c. 249, s. 265.

Form of bal-
lot papers

272.—(1) The ballot papers shall be according to Form 25 when the voting is on a by-law, and according to Form 26 when it is on a question.

Designation
of wards and
polling sub-
divisions

(2) In a municipality divided into wards or polling subdivisions, or both, the ballot paper, in Form 25 or 26, may by by-law be varied to show the names or numbers of the wards and the numbers of the polling subdivisions, and the form of ballot paper illustrated in Form 27 shall be varied accordingly. R.S.O. 1960, c. 249, s. 266.

Directions
to voters

273. The printed directions to voters shall be according to Form 27. R.S.O. 1960, c. 249, s. 267.

274.—(1) Where all the municipal electors are entitled to vote, the voter's oath shall be the same *mutatis mutandis* as at a municipal election where the members of the council are elected by general vote.

Voter's oath where all municipal electors vote

(2) In the case of a money by-law, a voter is not entitled to select the form of oath he will take, but the oath to be taken by him shall be that applicable to his qualification as an owner or tenant, as it appears in the list of voters. R.S.O. 1960, c. 249, s. 268.

Voter not entitled to select form of oath

275. Except as otherwise in this Part provided, Part III applies *mutatis mutandis* to voting on a by-law. R.S.O. 1960, c. 249, s. 269.

Application of Part III

276. After the clerk has summed up the number of votes cast, he shall declare the result of the voting and shall forthwith certify to the council the number of votes cast for and against the by-law. R.S.O. 1960, c. 249, s. 270.

Clerk to certify result to council

277. A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law. R.S.O. 1960, c. 249, s. 271.

Assent of electors, what deemed to be

278.—(1) Where the by-law is proposed to be passed by a county council, the council may fix a day or may prescribe the days on which municipal elections are to be held in the local municipalities in the county as the day or days for obtaining the assent or opinion of the electors, in which event the local municipalities shall submit the proposed by-law to their respective electors accordingly, and the clerk of each local municipality shall, upon the expiry of the time for applying for a scrutiny of the vote under section 279 or, where there has been such an application, on the disposition of it by the judge, forthwith certify the result of the vote in his local municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

Procedure in case of county by-law

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the votes cast in all the local municipalities is in favour of the by-law. 1965, c. 77, s. 24.

When by-law deemed to have assent

SCRUTINY

279.—(1) Within two weeks after the clerk has declared the result of the voting, any person who was entitled to vote upon the by-law or the council, after giving notice of the application to such persons as the judge directs, may apply to a judge of the county or district court of the county or district in which the municipality is situate for a scrutiny of the votes, and, if it is shown by affidavit that there are reasonable grounds for the application and, if the

Scrutiny may be had on application to county or district judge

application is by a person entitled to vote on the by-law, he enters into a recognizance before the judge and to be allowed by him in the sum of \$100, with two sureties in the sum of \$50 each, conditioned to prosecute the application with effect and to pay to any person to whom costs may be awarded the costs awarded to him, the judge may order a scrutiny of the votes to be had and shall appoint a time and place within the municipality for proceeding with it.

Notice of
time of
scrutiny

(2) At least one week's notice of the time and place appointed shall be given by the applicant to such persons as the judge directs and to the clerk.

Proceedings

(3) At the time and place appointed, the clerk shall attend before the judge with the ballot papers, and the judge after hearing such evidence as he considers necessary and the parties, or such of them as attend, or their counsel, shall in a summary manner determine whether the by-law has been assented to as required by this Act and shall forthwith certify the result to the council.

Striking
off votes
for
corrupt
practices

(4) Where it is proved that any person interested in and promoting or opposing the by-law was guilty of bribery or of a corrupt practice in respect of a voter who voted on the by-law, there shall be struck off the number of votes given for the by-law if the person guilty was promoting the by-law, or given against the by-law if the person guilty was opposing the by-law, one vote for every ballot cast by such voter.

Power of
judge

(5) The judge has the like power and authority as to all matters arising upon the scrutiny as would be possessed by him upon a trial of the validity of the election of a member of a council, but does not have power to set aside the voting on the ground of general bribery or corrupt practices, and the costs are in the discretion of the judge who may direct by whom, to whom, and in what manner they shall be paid.

No appeal

(6) The decision of the judge is final and not subject to appeal. R.S.O. 1960, c. 249, s. 273.

PASSING BY-LAWS BY COUNCIL

Cases in
which
council
must pass
by-law
assented to
by electors

280.—(1) Subject to subsection 5, where a proposed by-law that the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it is the duty of the council to pass the by-law within six weeks after the voting took place.

Discretion
of council
in other
cases

(2) Subject to subsection 5, in other cases it is not incumbent on the council to pass the by-law, but, if the council determines to pass it, it shall be passed within six weeks after the voting took place and not afterwards.

(3) The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared or, if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the judge.

Time within which by-law cannot be passed

(4) The time that intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the six weeks.

Time occupied by scrutiny not to be counted

(5) The Municipal Board may, upon the application of the council, extend the time for passing the by-law beyond such period of six weeks, and such extension of time may be made although the application for the extension is not made until after the expiration of such period of six weeks, and in such case the by-law may be passed within such extended time. R.S.O. 1960, c. 249, s. 274.

Extension of time for passing by-law

PROMULGATION OF BY-LAWS

281.—(1) The promulgation of a by-law consists of the publication of a true copy of it, with a notice (Form 28) appended thereto, at least once a week for three successive weeks.

Promulgation of by-laws

(2) Instead of publishing a true copy of the by-law, a synopsis of it may be published, containing a concise statement of its purposes, the amount of any debt or liability to be created or money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest or the instalments, if the debt is to be paid by instalments.

Synopsis of by-law may be published

(3) If an application to quash the by-law, or part of it, is not made within three months after the first publication, the by-law, or so much of it as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1960, c. 249, s. 275.

If not moved against within the time limited to be valid

PART XI

QUASHING BY-LAWS

282. In this Part, "by-law" includes an order or resolution. R.S.O. 1960, c. 249, s. 276.

Interpretation

283.—(1) The Supreme Court upon application of a resident of the municipality or of a person interested in a by-law of its council may quash the by-law in whole or in part for illegality.

Proceedings to quash by-law

(2) Notice of the application shall be served at least seven days before the return day of the motion.

Service of notice

Recognizance

(3) Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf shall enter into a recognizance before a judge of the county or district court of the county or district in which the municipality is situate, with two sureties in the sum of \$100, conditioned to prosecute the application with effect and to pay any costs that may be awarded against the applicant.

Allowance of recognizance

(4) The judge may allow the recognizance upon the sureties making proper affidavits of justification and, after it is allowed, the recognizances with the affidavits shall be filed in the office of the Registrar of the Supreme Court.

Deposit in lieu of recognizance

(5) In lieu of the recognizance, the applicant may pay into court \$100, and the certificate of the payment into court shall be filed in the office of the Registrar

Application of deposit

(6) After the determination of the proceedings, the judge may order that the money paid into court be applied in payment of costs or be paid out to the applicant. R.S.O. 1960, c. 249, s. 277.

Quashing by-law for corrupt practice

284. A by-law, in respect of the passing of which a contravention of any of the provisions of sections 178 to 180 has taken place, may be quashed. R.S.O. 1960, c. 249, s. 278.

Application to quash by-law affecting another municipality

285.—(1) Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law.

No security required from municipality

(2) Where the application is made by a municipal corporation, security for costs shall not be required.

Inquiry by county or district judge where corrupt practices alleged

(3) Where the application is based upon an allegation of a contravention of any of the provisions of sections 178 to 180, either alone or in conjunction with any other ground of objection, the Supreme Court may direct an inquiry as to the alleged contravention to be had before a special examiner or a judge of the county or district court of the county or district in which the municipality is situate, and the witnesses upon the inquiry shall be examined upon oath.

Return of evidence to officer of Supreme Court

(4) After the completion of the inquiry, the special examiner or the judge shall return the evidence taken before him to the proper officer of the Supreme Court, and the same may be read in evidence upon the motion to quash.

No act to be done under by-law pending inquiry

(5) Where an order directing an inquiry has been made under subsection 3 and a copy of it has been left with the clerk of the municipality, unless the Supreme Court otherwise orders, nothing shall be done under the by-law until the application is disposed of.

(6) In other cases, the Court may direct that nothing shall be done under the by-law until the application is disposed of. Other cases
 R.S.O. 1960, c. 249, s. 279.

286. An application to quash, in whole or in part, a by-law, except a money by-law registered under section 300, shall not be entertained unless made within one year after the passing of the by-law, but, if the by-law required the assent of the electors and was not submitted for or did not receive such assent, the application may be made at any time. Time for making application to quash
 R.S.O. 1960, c. 249, s. 280.

PART XII

MONEY BY-LAWS

287. "Rateable property", when used in this Act or in any by-law heretofore or hereafter passed that directs the levying of a rate on the rateable property in the municipality or any part of it, includes business assessment within the meaning of *The Assessment Act*. Interpretation
 R.S.O. 1960, c. 249, s. 281; 1968-69, c. 74, s. 13. R.S.O. 1970, c. 32

288.—(1) A money by-law shall provide that the whole debt and the debentures, if any, to be issued therefor shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued, When debentures to be made payable

- (a) if the debt is for railways, harbour works or improvements, gas or water works, the purchase or improvement of parks or the erection of secondary or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drill-shed or armoury, in thirty years;
- (b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in ten years;
- (c) if the debt is for the purchase of road-making machinery and appliances, in five years;
- (d) if the debt is for any other purpose, in such term of years as the Municipal Board may approve. R.S.O. 1960, c. 249, s. 282 (1); 1960-61, c. 59, s. 9.

(2) A money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

Amount to
be raised
annually

(3) A money by-law for the issuing of debentures shall provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act or in accordance with subsection 14. R.S.O. 1960, c. 249, s. 282 (2, 3).

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity
R.S.O. 1970,
c. 293

(4) Notwithstanding subsection 3, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors,

- (a) authorize the borrowing of money by the issue of instalment debentures the last instalment of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case. 1970, c. 86, s. 1, *part.*

By-law to
change mode
of issuing
debentures

(5) The council may by by-law, without the assent of the electors, authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or *vice versa*, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the council, upon again acquiring them, or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the

same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(6) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures,
when to be
dated and
issued

(7) All the debentures shall bear the same date, except where they are issued in sets, and in that case every debenture of the same set shall bear the same date.

Date of
debentures

(8) Notwithstanding the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 6 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(9) The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(10) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(11) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing.

Day when
by-law to
take effect

(12) Notwithstanding any other Act, the council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolida-
tion

(13) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the corporation on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place of payment and the value at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable shall become due and payable on the date set for the

Place of
payment and
value

Interest

redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the amount thereof.

Notice to
registered
owner

3. Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

Publication
of notice

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide.

Order in
which debentures
to be
redeemed

5. Where only a portion of the debenture issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates, and no debenture issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

Effect of
redemption

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Joint
municipal
projects

(14) Notwithstanding anything in this section, if a municipality will be liable for a portion of the annual carrying charges on a debt intended to be created on behalf of two or more municipalities, such municipality may pass a by-law providing for raising, by a special rate on all the rateable property liable therefor in the municipality in each year of the currency of the debt, its share of the principal and interest falling due in each such year, and the by-law shall provide that such share shall be determined as provided in the Act authorizing the issue of the debentures and need not provide for the raising of a specific sum in each year of the currency of the debt. R.S.O. 1960, c. 249, s. 282 (4-13).

Exchange of
debentures
permitted
R.S.O. 1970,
c. 293

(15) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

(16) Any new debenture mentioned in subsection 15 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest, but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Fully
registered
debentures

(17) All debentures surrendered for exchange under subsection 15 shall be cancelled and destroyed in the presence of the treasurer and some other person designated for the purpose by by-law or resolution of the council of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

Destruction
of
debentures
surrendered
for exchange

(18) A money by-law may provide for exchanges of debentures as provided for in subsection 15 on such terms and conditions as to notice or otherwise as the by-law may provide. 1970, c. 86, s. 1, *part.*

By-law to
provide for
exchange of
debentures

289. Notwithstanding any other provision in this Act,

Debentures
payable on a
fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount
R.S.O. 1970,
c. 293

- (a) a money by-law of a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the municipality for the payment of the principal amount thereof;
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

interest
ceases to
accrue on
date set for
redemption

debentures
to be
redeemed
may be
purchased

notice to
redeem to be
sent by mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the municipality to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be
approx-
imately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1970, c. 86, s. 2.

Consolidat-
ing
debenture
by-laws

290.—(1) Notwithstanding any other provision in this Act or any other Act, where separate debenture by-laws have been passed authorizing the borrowing of sums for two or more purposes, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council may by by-law, hereinafter called a consolidating by-law, provide for borrowing the aggregate of such sums and for issuing one series of debentures therefor.

Recitals

(2) The consolidating by-law shall clearly specify, by recital or otherwise, in respect of what separate by-laws it is passed.

Rates need
not be
imposed by
consolidat-
ing by-law

(3) It is not necessary that the consolidating by-law shall impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Consolidat-
ing by-law
may
authorize
debentures
of different
terms of
years

(4) A consolidating by-law passed under this section may authorize the issue of debentures in one series notwithstanding that some of the debentures may be for different terms of years from the other debentures to be issued thereunder, provided that the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums that would have been raised under the separate by-laws had no consolidating by-law been passed.

Reference
to separate
by-laws not
required in
debentures

(5) Debentures issued pursuant to a consolidating by-law passed under this section need not refer to the separate by-laws in

respect of which the consolidating by-law is passed. R.S.O. 1960, c. 249, s. 283.

291.—(1) Notwithstanding section 288 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

Sinking fund
debentures

R.S.O. 1970,
c. 293

(2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

Amounts to
be raised
annually

- (a) a specific amount, sufficient to pay the interest on the debentures; and
- (b) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

(3) Every money by-law passed under this section shall provide that the municipality shall, under the terms of an agreement approved by the Department, deposit with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act* the annual amount to be raised under clause b of subsection 2 and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures.

Amounts
raised
annually to
be paid to a
bank or trust
company
R.S.O. 1970,
c. 254

(4) The bank or trust company shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

Powers of
bank or
trust
company

(5) The bank or trust company may invest,

Authorized
investments

- (a) in securities in which a trustee may invest under the provisions of *The Trustee Act*;
- (b) in securities issued by the United States of America;
- (c) in such other securities as are authorized by the Lieutenant Governor in Council;
- (d) in the debentures to the payment of which the sinking fund is applicable; and

R.S.O. 1970,
c. 470

- (e) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

Annual
financial
statement to
be submitted
by bank or
trust
company

(6) The bank or trust company shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund.

Surplus in
sinking
fund

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied by the bank or trust company to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank or trust company in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in
sinking fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank or trust company an amount sufficient to make up the deficiency in the sinking fund.

Disposition
of sinking
fund at
maturity of
debentures

(9) At the maturity of the debentures for which the sinking fund was established, the bank or trust company shall pay to the treasurer of the municipality the amount accumulated in the sinking fund. 1970, c. 86, s. 3.

Debentures
expressed
in foreign
currency

292.—(1) The authority conferred upon municipalities by this Act and any other general or special Act to borrow or raise money for any purpose and to issue debentures therefor extends to and shall be deemed always to have extended to include power to borrow and raise such money and to issue such debentures expressed and payable in sterling money of Great Britain or dollars of the United States of America for such principal amount as the council considers necessary to realize the sum required for such purpose.

Annual
rates

(2) Where under any by-law of a municipality debentures issued thereunder are expressed and made payable in sterling or dollars of the United States of America, the council may in such by-law or in any amending by-law, in lieu of providing for the

raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon and to meet sinking fund payments or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. R.S.O. 1960, c. 249, s. 285 (1, 2).

(3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in the currency of Great Britain or of the United States of America shall be passed until approved by the Department.

Approval of
Department

(4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 75,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest and redemption premium, if any, in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient. 1970, c. 86, s. 4.

Debentures
payable in
foreign
currency

R.S.O. 1970,
c. 293

293.—(1) Subject to the limitations and restrictions in this and any other Act, a corporation may incur a debt for the purposes of the corporation whether under this or any other Act, but shall not incur any debt the payment of which is not provided for in the estimates for the current year unless a by-law of the council authorizing it has been passed with the assent of the electors. R.S.O. 1960, c. 249, s. 286 (1).

Corporation
may incur
debt

(2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year or three-year term for which the council was elected at a biennial or triennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

Projects for
which
corporation
not deemed
to incur
debt
payment of
which is not
provided for
in estimates

- (a) premium notes given for fire insurance;
- (b) arrangements to provide pensions under paragraph 64 of section 352;
- (c) grants for retiring allowances under section 239;
- (d) agreements for fire protection under paragraph 1 of section 352;
- (e) agreements for area fire protection under paragraph 3 of section 376;

- R.S.O. 1970,
c. 351 (f) agreements respecting policing of the whole or any part of a municipality by the Ontario Provincial Police Force under section 62 of *The Police Act*;
- R.S.O. 1970,
c. 377 (g) agreements respecting the establishment of health units under section 36 of *The Public Health Act*;
- (h) agreements for sharing the cost of services of officers and employees of municipalities or local boards;
- (i) agreements respecting maintenance and repair of boundary roads under section 410;
- (j) agreements respecting isolation hospitals under section 46 of *The Public Health Act*;
- (k) agreements for a term not exceeding five years respecting the provision, maintenance or hiring of an ambulance by a board of health under section 30 of *The Public Health Act* when such agreement has been approved by the council of the corporation;
- R.S.O. 1970,
c. 20 (l) agreements respecting the maintenance and operation of ambulances under *The Ambulance Act*;
- R.S.O. 1970,
c. 206 (m) agreements respecting homes under *The Homes for the Aged and Rest Homes Act*;
- (n) agreements respecting water supply under paragraph 2 of section 352;
- (o) agreements respecting the management and operation of systems and services under paragraph 5 of section 352;
- (p) agreements for watering or oiling highways under paragraph 7 of section 352;
- (q) agreements respecting bus franchises under paragraph 89 of subsection 1 of section 354;
- (r) agreements for furnishing public bus transportation under paragraph 90 of subsection 1 of section 354;
- R.S.O. 1970,
c. 354 (s) agreements under *The Power Commission Act* with The Hydro-Electric Power Commission of Ontario on its behalf or on behalf of Her Majesty in right of Ontario;
- (t) agreements respecting matters of employment of officers, servants and employees of the corporation or a local board thereof. R.S.O. 1960, c. 249, s. 286 (2); 1962-63, c. 87, s. 12; 1966, c. 93, s. 15; 1967, c. 55, s. 12; 1968, c. 76, s. 16 (1).

Exceptions

(3) Subsection 1 does not apply so as to require the assent of the electors to a by-law passed,

- (a) under section 295 or paragraph 53 of subsection 1 of section 354; or

- (b) for providing money for any of the purposes mentioned in paragraph 18, 37, 44, 64, 70, 71, 72 or 74 of section 352, or in subclause ii or iii of clause b of section 353, or in paragraph 50, 76, 77 or 78 of subsection 1 of section 354; or
- (c) under *The Local Improvement Act* or *The Drainage Act*; R.S.O. 1970,
cc. 255, 136
or
- (d) by the council of a city or a separated town for providing such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration; or
- (e) by the council of a city with the approval of the Municipal Board for providing such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream that constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be provided for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or
- (f) by the council of any municipality with the approval of the Municipal Board for providing such sum or sums as may be required to pay or defray the cost or share of the cost of any work or improvement that, by the terms of any order of the Canadian Transport Commission or of the Municipal Board, the municipality is or has been authorized or required to undertake or pay, or of any work or improvement that, in the opinion of the Municipal Board, is or has been rendered necessary or expedient owing to the construction of any work or improvement ordered by either of the said boards; but, where any such work or improvement is or has been merely authorized but not required to be undertaken by the municipality, no sum or sums may be provided hereunder unless the work was undertaken with the approval of the Municipal Board; or
- (g) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drill-shed for any militia or volunteer corps having its headquarters in the municipality, if the by-law is passed by a vote of two-thirds of all the members of the council; or
- (h) for providing money for any of the purposes mentioned in section 44 of *The Public Schools Act*, or section 24 of *The Public Libraries Act*; or R.S.O. 1970,
cc. 385, 381

- (i) for providing a sum not exceeding \$5,000 for the purpose of making a grant to the University of Toronto; or
- (j) under section 455; or
- (k) for providing any sum or incurring any debt that under *The Public Health Act* may be provided or incurred without the assent of the electors; or
- (l) under section 36 of *The Public Health Act*; or
- (m) by the council of a county. R.S.O. 1960, c. 249, s. 286 (3); 1960-61, c. 59, s. 10 (3); 1961-62, c. 86, s. 38; 1968, c. 76, s. 16 (2, 3), *amended*.

R.S.O. 1970,
c. 377

Contracts
for supply
of public
utility
R.S.O. 1970,
c. 118

294.—(1) A municipal corporation with the assent of the electors may enter into a contract for the supply of any service of a public utility as defined in *The Department of Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may with the like assent renew such contract from time to time for such further term of years as the Municipal Board may approve.

Where
particular
areas only
are bene-
fited

(2) Where a municipal corporation enters into a contract for the supply of a public utility for its use and such use is confined to a particular area of the municipality, the council may levy a special annual rate on all the rateable property in such area to defray the cost thereof. R.S.O. 1960, c. 249, s. 287.

Special
power of
county to
borrow

295.—(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure and over and above any sum that the council is by this or any other Act expressly authorized to borrow without the assent of the electors.

Passing of
by-law

(2) Subject to subsection 3, the by-law shall be passed at a meeting specially called for the purpose of considering it and held not less than six weeks after the first publication of a notice of the day appointed for the meeting, which shall be published once a week for four successive weeks, and shall state the amount to be borrowed, and the purpose for which it is to be borrowed.

Adjourned
meeting

(3) The by-law may be passed at any regular or special meeting to which the consideration of it may be adjourned. R.S.O. 1960, c. 249, s. 288.

When rate
of interest
may be
varied

296.—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or

increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the council, without the assent of the electors, to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;
- (c) such other changes in the by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 328 at any time heretofore or hereafter made does not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof. R.S.O. 1960, c. 249, s. 289.

Special assessments and levies

297.—(1) Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law, when part only of money raised

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1960, c. 249, s. 290.

When to take effect

298. Subject to section 297, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating for the payment of the debt or the interest, the surplus income from

Until debt paid certain by-laws cannot be repealed

any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation that has been directed to be applied to such payment. R.S.O. 1960, c. 249, s. 291.

Penalty for neglect of officer to carry out by-law

299. Every officer of a corporation, whose duty it is to carry into effect any of the provisions of a money by-law, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 249, s. 292.

REGISTRATION OF MONEY BY-LAWS

Money by-laws may be registered

300.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate and, in the case of a local municipality, in the registry division in which it is situate or, if the municipality comprises parts of two or more registry divisions, in either of them. R.S.O. 1960, c. 249, s. 293 (1).

Application to quash registered by-law, when to be made
R.S.O. 1970, c. 323

R.S.O. 1970, cc. 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law, registered in accordance with subsection 1 or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act* and, in the case of other by-laws, within three months after the registration an application or action to quash the by-law is made to or brought in a court of competent jurisdiction and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be. R.S.O. 1960, c. 249, s. 293 (2), *amended*.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, after the expiration of that period is valid and binding according to its terms.

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered and, after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law that requires but has not received the assent of the electors or a by-law where it appears on the face of it that any of the provisions of subsections 1 and 3 of section 288 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1960, c. 249, s. 293 (3-7). Failure to register

301. The Lieutenant Governor in Council may make such regulations as he considers necessary for carrying out the purposes of this Part. 1970, c. 86, s. 5. Regulations

PART XIII

YEARLY RATES AND ESTIMATES

302.—(1) The council of every local municipality in each year shall levy on the whole of the assessment for property and business assessment, according to the last revised assessment roll, a sum equal to the aggregate of the sums required by law to be provided by the council for school purposes and for any board, commission, county or other body. R.S.O. 1960, c. 249, s. 294 (1). Rates for school purposes and boards, etc.

(2) The council of every local municipality in each year shall levy on the whole of, Rates for general purposes on commercial property and business assessment

- (a) the assessment for real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof; and
- (b) the business assessment; and
- (c) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the sums necessary for the

payment within the year of the sums adopted under section 307 for general purposes, not including any sums for the purposes referred to in subsection 1, that the total of the assessments under clauses *a*, *b* and *c* bears to the total assessment for real property and business assessment according to the last revised assessment roll. R.S.O. 1960, c. 249, s. 294 (2); 1966, c. 93, s. 16; 1968-69, c. 74, s. 14.

Rates for
general
purposes on
residential
and farm
property

(3) The council of every local municipality in each year shall levy on the whole assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 2, according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the sums necessary for payment within the year of the sums adopted under section 307 for general purposes, not including any sums for the purposes referred to in subsection 1, that the total of the assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 2, according to the last revised assessment roll, bears to the total assessment for real property and business assessment according to such roll, less the amount of the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*. R.S.O. 1960, c. 249, s. 294 (3).

R.S.O. 1970,
c. 293

Levy
authorized
before
estimates
adopted

303.—(1) Notwithstanding section 302, the council of every local municipality may by by-law passed before the adoption of the estimates in any year provide that in that year and in each succeeding year the council may, before the adoption of the estimates for the year, levy on the whole of the assessment for real property according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on residential real property of public school supporters, and such by-law shall remain in force from year to year until it is repealed and any by-law repealing such by-law shall be effective only at the end of any year. 1967, c. 55, s. 13 (1).

Business
assessment

(2) Where the council of a local municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 302, may by by-law passed before the adoption of the estimates in any year provide that in that year and in each succeeding year the council may, before the adoption of the estimates for the year, levy on the whole of the business assessment according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on business assessment of public school supporters, and such by-law shall remain in force from year to

year until it is repealed and any by-law repealing such by-law shall be effective only at the end of any year. 1967, c. 55, s. 13 (2); 1968-69, c. 74, s. 15 (1).

(3) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 302 shall be reduced by the amount to be raised by the levy under this section. 1966, c. 93, s. 17 (2).

Levy under s. 302 to be reduced

(4) The provisions of this Act with respect to the levy of the yearly rates and the collection of taxes apply *mutatis mutandis* to the levy of rates and collection of taxes under this section. 1968-69, c. 74, s. 15 (2).

Application provisions re levy and collection of taxes

304.—(1) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council may pass by-laws to levy an annual tax upon a university designated by the Lieutenant Governor in Council, not exceeding the sum of \$25 a year for each full-time student enrolled in such university on the 1st day of December in the year preceding the year of levy as determined by the Minister of University Affairs.

Universities liable to tax

(2) Any tax levied under a by-law passed under subsection 1 is collectable in the same manner as municipal taxes are collectable and is a special lien on the land under section 511.

How tax collectable

(3) The tax collected under this section shall be credited by the municipality to the general fund of the municipality.

Tax to be credited to general funds

(4) The assessment of a municipality that levies or could have levied a tax under this section that is used for apportioning,

Municipal assessment deemed increased R.S.O. 1970, c. 32

(a) a county rate under section 73 of *The Assessment Act*;

(b) a metropolitan levy under section 214 of *The Municipality of Metropolitan Toronto Act*, except a levy for public or secondary school purposes;

R.S.O. 1970, c. 295

(c) a regional levy under section 92 of *The Regional Municipality of Ottawa-Carleton Act*; or

R.S.O. 1970, c. 407

(d) a regional levy under section 119 of *The Regional Municipality of Niagara Act*,

R.S.O. 1970, c. 406

shall be deemed to be increased by an amount that would have produced the amount of the tax levied or that could have been levied under this section by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes. 1970, c. 14, s. 1.

305.—(1) Notwithstanding any other provision in this Act or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of

Where rates to be levied on full values

the purposes set out in paragraph 37 of section 352 or in section 353 or for welfare assistance purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. R.S.O. 1960, c. 249, s. 295 (1); 1968-69, c. 74, s. 16.

R.S.O. 1970,
c. 32

Fixed as-
sessment
exemptions
to be
included

(2) The council of a county in levying a rate for any of the purposes set out in subsection 1 shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment. R.S.O. 1960, c. 249, s. 295 (2).

Federation
of Agri-
culture,
special rate

306.—(1) The council of a township may, subject to the approval of the Department, by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the township who are entered on the assessment roll as farmers as the annual membership fees of such persons in the Federation of Agriculture.

Power to
vary spe-
cial rate

(2) The council of a township may, subject to the approval of the Department, by by-law vary the special rate assessed and levied under subsection 1, but not so as to exceed one-half of one mill.

By-law in
force until
repealed

(3) A by-law passed under subsection 1 or 2 remains in force until amended or repealed, and it is not necessary to pass such by-law annually. R.S.O. 1960, c. 249, s. 296 (1-3).

How special
rate may
be avoided

(4) Any person liable to a special rate under a by-law passed under subsection 1 may, within thirty days after delivery of the notice of taxes under section 521, notify in writing the clerk that he objects to the assessment and levy by the by-law authorized by subsection 1, and thereupon the clerk shall amend the collector's roll by striking out such assessment and levy in respect of such person and shall write his name or initials against such amendment and deliver a notice of taxes amended accordingly to such person. 1968, c. 76, s. 17; 1968-69, c. 74, s. 17.

Nature of
special rate

(5) The rate mentioned in subsection 1 shall be assessed, levied and collected in the same manner as local rates and shall be similarly calculated upon the assessments as finally revised and shall be entered in the collector's roll in a special column the heading whereof shall be designated "Federation of Agriculture Membership Fees", but does not form a charge upon land and is not subject to penalty for non-payment.

Deposit of
sums col-
lected

(6) The township treasurer shall deposit the sums collected under this section in a special account and shall from time to time upon demand pay such sums to the treasurer of the Federation of Agriculture for the county in which the township is situate.

(7) The township treasurer shall on the date fixed by statute for the return of the collector's roll prepare and forward to the treasurer of the Federation of Agriculture for the county in which the township is situate a list of the names of the ratepayers to whom the by-law mentioned in subsection 1 is applicable and whose rates thereunder have not been collected, and thereupon the duty of the township to collect such rates terminates.

Termination
of duty to
collect

(8) The township treasurer shall deduct from the sums collected such amounts for the services rendered as may be authorized in writing by the treasurer of the Federation of Agriculture for the county in which the township is situate and shall pay such amounts into the general funds of the township. R.S.O. 1960, c. 249, s. 296 (5-8).

Payment of
services

307.—(1) The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the municipality, including a sum sufficient to pay all debts of the corporation falling due within the year and any amounts required to be raised for sinking funds, and including the sums required by law to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Yearly
estimates
and contents

(2) In preparing the estimates the council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and for uncollectable taxes and may provide for taxes that it is estimated will not be collected during the year and for such other reserves within such limits as to type and amount as the Department may approve, but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*.

Allowances
to be
made in
estimates

R.S.O. 1970,
c. 293

(3) One by-law or several by-laws for levying the rates may be passed as the council considers expedient.

Rating
by-laws

(4) The Department may prescribe the form of estimates to be prepared by the council and may from time to time vary the same.

Form of
estimates

(5) The council may by by-law require that the estimates for the current year of every board, commission or other body for which the council is by law required to levy any rate or provide money shall be submitted to the council on or before the 1st day of March in each year, and that such estimates shall be in the form and give the particulars that the by-law prescribes. R.S.O. 1960, c. 249, s. 297.

Yearly
estimates
from other
boards, etc.

Reserve
funds
R.S.O. 1970,
c. 118

308.—(1) Every municipality as defined in *The Department of Municipal Affairs Act* and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained. R.S.O. 1960, c. 249, s. 298 (1).

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special bank account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. R.S.O. 1960, c. 249, s. 298 (2); 1962-63, c. 87, s. 13 (1).

R.S.O. 1970,
c. 470

Consolidated
bank account

(3) The council may by by-law provide that, instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section but which consolidated bank account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund. 1962-63, c. 87, s. 13 (2).

Expenditure
of reserve
fund
moneys

(4) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose, other than that for which the fund was established, without the approval of the Department.

Auditor to
report on
reserve
funds

(5) The auditor in his annual report shall report on the activities and position of each reserve fund established under section 1. R.S.O. 1960, c. 249, s. 298 (3, 4).

Contribu-
tions re
expenses
incurred by
corporation
re proposed
subdivision
of land

309.—(1) Where a contribution is received by a municipal corporation in consideration of the expense incurred or to be incurred by the corporation as a result of a proposed subdivision of land, such contribution shall be used only to meet expenditures for work done within the subdivision or for the benefit or use of the occupiers or subsequent occupiers of the land within the subdivision or to meet expenditures incurred wholly or in part by reason of the subdivision of such land and, where a contribution is made for a specific purpose, it may be used only to meet expenditures for such purpose. R.S.O. 1960, c. 249, s. 299 (1).

Special bank
account

(2) Such contributions shall be paid into a special bank account, and subsections 2 and 3 of section 308 apply *mutatis mutandis* thereto. 1962-63, c. 87, s. 14.

(3) Notwithstanding subsection 1, if any of the contributions referred to in subsection 1 are not required or likely to be required for the purposes mentioned in subsection 1, they may, with the approval of the Department, be expended for some other purpose. R.S.O. 1960, c. 249, s. 299 (3). Use for other purposes

310.—(1) Where the amount collected falls short of the sum required, the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them. If the amount collected falls short

(2) Where the amount collected exceeds the estimates, the surplus forms part of the general funds and is at the disposal of the council, unless otherwise specially appropriated. R.S.O. 1960, c. 249, s. 300. When sums collected exceed estimate

311. The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. R.S.O. 1960, c. 249, s. 301. Rates to be due on January 1st

PART XIV

FINANCES

ACCOUNTS AND INVESTMENTS

312. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, provided that the bonds, debentures or other evidences of indebtedness, term deposits or guaranteed investment certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested. 1970, c. 135, s. 5. Investment of moneys not immediately required
R.S.O. 1970, c. 254

313.—(1) Subject to subsections 2 and 3, money received by any municipal corporation from the sale or hypothecation of any debentures shall be kept in a separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the municipality. R.S.O. 1960, c. 249, s. 303 (1). Application of proceeds of debentures

Application
of surplus
funds raised
on deben-
tures

(2) Subject to subsection 3, when the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows:

1. Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable.
2. Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture or where a balance remains after redemption as required by paragraph 1, the amount or the balance, as the case may be, shall be applied on the annual payments of principal and interest on the debentures until the amount or the balance, as the case may be, has all been so applied, and the levies required for such purpose shall be reduced accordingly. R.S.O. 1960, c. 249, s. 303 (2); 1966, c. 93, s. 18.

Application
of amounts
not required
for purposes
of deben-
tures

(3) Where the whole or any part of the amount realized from the sale or hypothecation of any debentures is not required for the purpose or purposes for which the debentures were issued, it may be applied to buy back the debentures or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which if raised by taxation would be raised by taxation levied upon the assessment of the same class of ratepayers as would have been levied upon to meet the debt charges if the amount had been expended for the purpose or purposes for which the debentures were issued. R.S.O. 1960, c. 249, s. 303 (3).

Use of
proceeds
of sale of
property
acquired
from pro-
ceeds of
sale of
debentures

(4) Where real or personal property acquired with all or part of the proceeds of the sale of debentures is sold while any part of the debentures remains outstanding, the net proceeds of the sale, to the extent of the amount of principal and interest then outstanding on such debentures, shall be applied in accordance with subsections 2 and 3. 1961-62, c. 86, s. 39.

Accounts,
how to be
kept

314.—(1) Every council shall,

- (a) keep a separate account of every debt;
- (b) where the whole of a debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for the payment of it.

(2) The council of a city may by by-law provide and direct that, instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

(3) The council of a city may by by-law provide that, instead of a separate bank account being kept for the sinking fund of every debt that is to be paid by means of a sinking fund, a consolidated bank account may be kept in which there may be deposited the sinking funds of all debts that are to be paid by such means, but which consolidated bank account shall be so kept that the requirements of the sinking fund of every debt are duly provided for. R.S.O. 1960, c. 249, s. 304.

Consolidated
sinking fund
account

315. If, in any year, after paying the interest and appropriating the necessary sum to the sinking fund or in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund or in payment of the principal. R.S.O. 1960, c. 249, s. 305.

Application
of surplus
money

316. Notwithstanding any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts and, notwithstanding sections 319 and 320, the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality. R.S.O. 1960, c. 249, s. 306.

Where
surplus in
sinking fund

317. Notwithstanding any general or special Act, when the amount in a sinking fund is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it becomes due, the council with the approval of the Municipal Board may not be required to raise or provide any further sum with respect to such debt. R.S.O. 1960, c. 249, s. 307.

Where
amount in
sinking fund
sufficient

Notice of
appointment

318. Notice of an appointment for the hearing by the Municipal Board of an application for approval under section 316 or 317 shall be given to such persons and in such manner as the Municipal Board may direct. R.S.O. 1960, c. 249, s. 308.

Money
levied for a
sinking fund
not to be
diverted

319. No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation. R.S.O. 1960, c. 249, s. 309.

Liability of
members for
diversion
of sinking
fund

320.—(1) If the council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

Action by
ratepayer

(2) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers.

Disqualifica-
tion

(3) The members who vote for such application are disqualified from holding any municipal office for two years. R.S.O. 1960, c. 249, s. 310.

Statement
of treasurer
as to amount
required
for sinking
fund

321.—(1) The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund shall prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount will be required for that purpose.

Offence

(2) For every contravention of this section, the treasurer is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 249, s. 311.

Penalty
where coun-
cil neglects
to levy for
sinking
fund

322. If the council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. R.S.O. 1960, c. 249, s. 312.

COMMISSION OF INQUIRY

Commission
of inquiry

323.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister of Municipal Affairs, may issue a commission to inquire into any of the affairs of any municipality, or local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 249, s. 320 (1); 1964, c. 68, s. 7.

R.S.O. 1970,
c. 379

When com-
mission may
issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than

one-third of the members of a council or of not less than fifty ratepayers assessed as owners and resident in the municipality.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister, and forthwith be paid by the municipality. R.S.O. 1960, c. 249, s. 320 (2, 3).

Expenses of
commission

DEBENTURES

324.—(1) Subject to subsection 3, a debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council or by some other person authorized by by-law to sign it, and by the treasurer.

Debentures,
how to be
executed

(2) A debenture may have coupons for the interest attached to it, which shall be signed by the treasurer and his signature to them may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

Execution
of coupons

(3) The signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

Execution
of debentures

(4) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it is recoverable notwithstanding its negotiation by the corporation at a discount.

Full amount
of debentures
sold at a
discount
recoverable

(5) Any debenture heretofore or hereafter issued is sufficiently signed by the head of the council if it bears the signature, as hereinbefore provided in this section, of the person who was the head of the council either at the date of the debenture or at the time when it was issued. R.S.O. 1960, c. 249, s. 321.

Signature to
debentures

325. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the corporation, the by-law and the debentures issued under it are valid and binding upon the corporation. R.S.O. 1960, c. 249, s. 322.

Debentures
on which
payment has
been made
for one year
to be valid

326.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of
transfer
may be pre-
scribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this corporation, transferable, except by entry by the treasurer in the Debenture Registry Book of the Corporation at the.....
.....of

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate

of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate
of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
registry
book

(3) After a certificate of ownership has been endorsed, the debenture is transferable only by entry by the treasurer in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. R.S.O. 1960, c. 249, s. 323.

Registra-
tion of
debenture
as to
principal
and
interest

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

When
Debenture
Registry
Book may
be main-
tained out-
side Canada

(5) Where debentures are payable in a currency other than that of Canada, the council may provide that the Debenture Registry Book of the corporation in respect of such debentures be maintained outside of Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the council considers appropriate. 1970, c. 86, s. 7.

Replace-
ment of lost
debentures

327. Where a debenture is defaced, lost or destroyed, the council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. R.S.O. 1960, c. 249, s. 324.

Borrowing
by hypothec-
ation of
debentures

328.—(1) A council, pending the sale of a debenture, or in lieu of selling it, may by by-law or resolution authorize the head and treasurer to raise money by way of loan on the debenture and to hypothecate it for the loan.

Application
of proceeds
of loan

(2) The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds, and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(3) Subject to subsection 2, the redemption of a debenture heretofore or hereafter hypothecated shall not be deemed to have prevented and does not prevent the subsequent sale thereof. R.S.O. 1960, c. 249, s. 325.

329.—(1) Subject to subsection 2, a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than \$50, and any such bond, bill, note or debenture is void. Debentures, etc., not to be for less sums than \$50

(2) A debenture issued under the authority of any by-law providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an annual sum of not less than \$50, whether the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than \$50 within the meaning of this section, and all debentures so issued under such a by-law and otherwise legal are valid. Proviso as to debentures issued for sums that include principal and interest R.S.O. 1960, c. 249, s. 326.

330.—(1) Where on the sale of the whole or any part of an issue of debentures a premium is derived and moneys in addition to the principal sum of the debentures are required for the purpose or purposes for which the debentures were issued, the premium shall be applied to such purpose or purposes. Where debentures sold at premium

(2) Where the whole or any part of the premium is not required for the purpose or purposes for which the debentures were issued, the amount of the premium or of the part not so required shall be applied as follows: Idem

- (a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose.
- (b) Where the amount is not sufficient to redeem a debenture or where a balance remains after redemption as required by clause a, the amount or the balance, as the case may be, shall be applied on the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be reduced accordingly.

(3) Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of the debenture issue, the amount of the deficit or the part so required, Deficit on sale of debentures

- (a) shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures and the levy made in the first year for such purpose; or
- (b) shall be added in equal portions to the sum to be levied for the annual payment of principal and interest on the debentures in each year commencing with the first year in which such levy is made and annually thereafter over such period of years not exceeding five years in all as may be approved by the Municipal Board,

and the levy made in each of such years shall be increased accordingly. R.S.O. 1960, c. 249, s. 327.

Tenders for
debentures

331. When a municipal corporation intends to borrow money on debentures under this or any other Act, the council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1960, c. 249, s. 328.

TEMPORARY LOANS

Current
borrowings

332.—(1) A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow from time to time by way of promissory note such sums as the council considers necessary to meet, until the taxes are collected, the current expenditures of the corporation for the year, including the amounts required for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body and other purposes for which the corporation is required by law to provide. R.S.O. 1960, c. 249, s. 329 (1).

Limit at any
one time

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the corporation as set forth in the estimates adopted for the year. R.S.O. 1960, c. 249, s. 329 (3).

Treasurer
to furnish
lender with
copy of
by-law, etc.

(3) At the time that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the by-law authorizing the borrowing and a statement showing the nature and amount of the estimated revenues of the current year not yet collected or, where the estimates for the year have not been adopted, a statement showing the nature and amount of the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year, and also showing the total of any amounts borrowed under this section that have not been repaid. R.S.O. 1960, c. 249, s. 329 (4); 1966, c. 93, s. 19 (2).

Temporary
application
of estimates
of preceding
year

(4) Until such estimates are adopted, the limitations upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimate adopted for the next preceding year. R.S.O. 1960, c. 249, s. 329 (5); 1966, c. 93, s. 19 (3).

Lender not
bound by
application
of borrow-
ings, etc.

(5) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

(6) Any promissory note made under the authority of this section shall be executed in the same manner as a debenture as provided in subsection 1 of section 324, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Execution of
promissory
notes

(7) The council may by by-law provide or authorize the head and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Creation of
charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the head and treasurer.

Execution of
agreements

(9) If the council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for
excess bor-
rowings

(10) If the council authorizes the application of any revenues of the corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
council

(11) If any member of the council or officer of the corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
officials

(12) Subsections 9, 10 and 11 do not apply,

Saving
clauses as to
penalties

(a) to a council or any member of a council or officer of a corporation acting under an order or direction issued or made under the authority of Part III of *The Department of Municipal Affairs Act*; or

R.S.O. 1970,
c. 118

(b) in any case where application of the revenues of the corporation is made with the consent of the lender in whose favour a charge exists. R.S.O. 1960, c. 249, s. 329 (7-14); 1966, c. 93, s. 19 (4).

333. Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person

Temporary
advances

for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board. R.S.O. 1960, c. 249, s. 330; 1966, c. 93, s. 20.

Power to
borrow to
meet guar-
antee of
debentures

334. When a corporation guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of the corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality or, where the guarantee is by or on behalf of a section or portion of a township, by a rate on all the rateable property in such section or portion. R.S.O. 1960, c. 249, s. 331.

PART XV

ACQUISITION OF LAND AND COMPENSATION

LAND TAKEN OR INJURIOUSLY AFFECTED

Interpre-
tation

335. In this Part,

- (a) "expropriation" means taking without the consent of the owner, and "expropriate" and "expropriating" have corresponding meanings;
- (b) "judge" means a judge of the county or district court of the county or district in which the land or any part of it is situate;
- (c) "owner" includes a mortgagee, lessee, tenant, occupant, and a person entitled to a limited estate or interest in land, trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator, and a guardian. R.S.O. 1960, c. 249, s. 332.

Power to
acquire or
expropriate
land

336.—(1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required. R.S.O. 1960, c. 249, s. 333 (1).

Lease

(2) Without limiting the generality of this section, in subsection 1 "otherwise dispose of" shall be deemed to include and to have always included a lease. 1967, c. 55, s. 14.

(3) Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous than those upon which it could obtain the part immediately required for its purposes, the council may acquire or expropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required.

Taking more land than required

(4) A by-law for entering on or expropriating land shall contain a description of the land and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated.

Land to be described in by-law, etc.

R.S.O. 1960, c. 249, s. 333 (2, 3).

(5) A municipality as defined in *The Department of Municipal Affairs Act*, including The Municipality of Metropolitan Toronto, that has authority to expropriate land may, with the approval of the Municipal Board, exercise this authority in respect of the land of another such municipality. 1964, c. 68, s. 8.

Power to expropriate land of another municipality R.S.O. 1970, c. 118

337.—(1) Any land acquired or taken by a corporation in the exercise of the powers conferred by any general or special Act in excess of the land actually required for the opening, widening, extension or straightening of a highway may be used in or towards making compensation by way of restitution to the owner of other land taken for or in connection with the work, and the corporation may lawfully exercise such powers in pursuance of an agreement to that effect with such owner or with a view to making or proposing to make such an agreement.

Power to use excess land by way of compensation to owners

(2) If in any proceeding to fix compensation for land taken by it the corporation offers to transfer or assure additional or other land to the owner by way of enlarging the remainder of his parcel or in substitution for his parcel, such offer shall be taken into account and dealt with in the award and, if the award is based on such transfer being made, the offer is binding on the corporation in the terms fixed by the award (subject to any right of appeal) and the offer and final award together constitute an agreement between the parties, and the owner is entitled to have such additional or substituted land assured him in accordance therewith.

Offer to transfer excess land by way of compensation to be considered in award, award to be binding

(3) In such case, upon the application of the corporation or of an interested party, the Municipal Board may make such orders to compel the taking by the corporation of such additional land for the purposes of the agreement and as to the vesting of the title to the land in accordance with the agreement as may be necessary to protect and enforce the rights of all parties interested. R.S.O. 1960, c. 249, s. 334, *amended*.

Power of Municipal Board to order performance of agreement

Sale of land
by council,
when not
to be open
to question

338. The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation that the council may lawfully sell, shall be sold, is not open to question, review, or control by any court, if the purchaser is a person who may lawfully buy and the council acted in good faith. R.S.O. 1960, c. 249, s. 335.

DEFERRED WIDENING, ETC., OF HIGHWAY

Interpre-
tation
R.S.O. 1970,
c. 255

339.—(1) In this section, "highway" includes "street" as defined in *The Local Improvement Act*.

By-law may
fix future
date for
widening,
etc.

(2) A by-law of the council of a local municipality for establishing or laying out, or for extending, widening or diverting, a highway or part of a highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three and not more than ten years after the date of the passing of the by-law.

Entry
deferred
accordingly

(3) Subject to subsection 8, the corporation shall not enter on any land required to be taken before the day named in such by-law unless by leave of the judge or by order of the Municipal Board made as hereinafter provided.

By-law not
to be repeal-
ed except
with leave of
Municipal
Board

(4) The by-law shall be binding upon the corporation and shall not be repealed or altered except by a vote of two-thirds of the members of the council and with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the revesting of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

Registration
of plan in
advance

(5) Where the council proposes to pass a by-law under this section, it may register in the proper registry office a draft plan of the contemplated work with any supplementary memorandum that may be needed to show its substantial features and to furnish adequate local description to comply with *The Registry Act*, and the registrar shall enter the same on the abstract index for each parcel of land required to be taken; but, if the by-law is not passed within six months after such registration, the registration shall be deemed of no effect and the corporation shall forthwith cause a certificate signed by the mayor or reeve and clerk and sealed with the corporation's seal, stating that no by-law was passed, to be registered in like manner in the registry office.

R.S.O. 1970,
c. 409

Land taken
shall vest
at once in
corporation
on conditions

(6) After the passing of the by-law and subject to any order made by the Municipal Board under subsection 4, the land required to be taken for the work shall be deemed to be vested in

the corporation for the purposes of a highway subject to the right of the owner or his assigns to remain in the possession and enjoyment thereof without impeachment of waste either wanton or permissive until entry by the corporation as aforesaid and to utilize the land and to erect buildings thereon during his or their occupancy (subject to the provisions of subsections 13 to 17 as to compensation in respect of such buildings).

(7) After the land is vested in the corporation, it shall for all purposes of assessment and taxation, whether under such by-law or otherwise, be deemed to be a component part of the highway; but, where a building stands partly on land taken for the work and partly on adjoining land, it shall be assessed on the assessment roll of the municipality in the same manner as if it stood entirely on such adjoining land.

Assessment
of land
when vested

(8) Where it is shown to the satisfaction of the Municipal Board upon application made by the corporation before the day fixed for entry by the by-law that in view of financial conditions it is desirable that the day fixed for entry by the by-law should be further deferred, the Municipal Board may further defer the time for entry by the corporation on the land until a day not less than one year and not more than three years after the day fixed for entry by the by-law, but so that the total time for which entry is deferred by the provisions of the by-law and the order of the Municipal Board shall not exceed ten years, upon such terms and conditions as the Board considers proper, and upon such order being made the day fixed by the Municipal Board as the day for entry shall thereafter be deemed to be the day fixed in the by-law for entry.

Application
by corpo-
ration to
Municipal
Board to
further
defer entry

(9) At the date named in the by-law for entry, it is the duty of the corporation to enter and proceed with diligence and dispatch to remove all buildings and obstructions from the land taken for the work and to put it in fit and proper condition and make it available for use as a highway.

Corporation
to enter at
date named

(10) The by-law may be passed without the assent of the electors and without regard to *The Local Improvement Act* and shall express the intention of the council as to the corporation's portion of the cost thereunder, and the council may thereafter by a majority vote pass a by-law for undertaking the work as a local improvement and such by-law has the same force and effect as if passed under section 8 of *The Local Improvement Act* and the provisions of that Act apply thereafter to such work *mutatis mutandis* and the owners of the lots liable to be specially assessed thereunder have all the rights and remedies in relation thereto that are given them by such Act so far as they are not inconsistent with the other provisions of this section, but the Municipal Board has no power under section 6 or 8 of such Act, either by making an order or by withholding its approval to prevent the due carrying out of the work.

Subsequent
by-law for
undertaking
work as a
local im-
provement
R.S.O. 1970,
c. 255

Compensation,
when payable

(11) Except as may be otherwise ordered by the Municipal Board under subsections 16 and 17, compensation payable under this section does not become payable until the day fixed in the by-law for entry.

Limitations
as to compensation

(12) The compensation shall be limited to,

- (a) the market value of the land itself exclusive of and without regard to any buildings or improvements thereon;
- (b) the value of the buildings and improvements;
- (c) damages occasioned by disturbance to any business established previous to the passing of the by-law to which the general principles of compensation apply;
- (d) damages to land, buildings and improvements injuriously affected by the exercise of any of the powers conferred by this section.

Interpretation

(13) In subsections 14 and 15, "land" means the land itself exclusive of and without regard to any buildings or improvements thereon.

Fixing compensation
for land apart from
buildings

(14) Notwithstanding that entry is deferred, the corporation or the owner may proceed at once after the passing of the by-law to determine or have determined the compensation, if any, payable hereunder in respect of any land.

Value

(15) The value of the land shall be fixed as of the date of the registration of the draft plan or, if no plan is registered, as of the date of the passing of the by-law.

Fixing compensation
for buildings

(16) Compensation shall be allowed in respect of buildings and improvements as they may exist at the date fixed for entry.

As to buildings
erected after
passing of
by-law

(17) In respect to buildings or improvements erected or made after the date of the registration of the draft plan of the work or, if no plan is registered, after the date of the passing of the by-law, the compensation or damages shall be allowed and payable to the extent only of three-quarters of the proper cost of a structure one storey in height of such temporary character, conformable to the existing building by-laws and regulations, as may be reasonable in view of the limited time that is to elapse before entry.

Relief in
special cases

(18) The Municipal Board may make an order at any time granting relief in the following cases: first, where part of an owner's lot is taken for the work and special circumstances exist in the matter of the location, size or shape of the lot that render it inequitable and unjust that the compensation to be allowed for buildings or improvements to be thereafter erected thereon should be limited as provided in subsection 13, 14 and 15 and, secondly, where the work is deferred until a day more than five

years after the date of the passing of the by-law and the whole of the owner's lot is taken or so much of it as to render the remainder, by reason of its size or shape, unfit for building purposes, and the Board in the first case may approve of plans and specifications for appropriate buildings or improvements and fix the basis of compensation to be made therefor, and in the second case it may direct the corporation to enter and make compensation to the owner at an earlier day than the day named in the by-law or to make an immediate or periodical payment to the owner to compensate him for the delay, or it may make such further or other order in either case as may be required to afford due compensation to the owner for the exceptional and peculiar damage he would suffer by reason of the special circumstances affecting his lot.

(19) The council may agree with any bank or person for temporary advances to meet any costs or liabilities incurred under the by-law prior to the completion of the work. R.S.O. 1960, c. 249, s. 338. Temporary advances

340.—(1) The council of a local municipality, as a preliminary step to the widening of a highway or any part thereof, may pass by-laws fixing as a building line the minimum distance from the limit of the highway at which buildings may thereafter be erected or placed, and prohibiting the erection or placing of any building or part thereof closer to the limit of the highway than the distance fixed by the by-law. Prescription of building line

(2) A by-law under subsection 1 shall not come into force until it is approved by the Municipal Board, and when so approved shall not be amended or repealed except with the approval of the Board and on such terms as the Board may determine. Approval of Municipal Board

(3) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. Notice

(4) The building line fixed by the by-law shall not be distant more than twenty feet from the limit of the highway. Maximum building line

(5) Notwithstanding subsection 4, for the purpose of carrying out an official plan in effect under *The Planning Act* or for the purpose of improving the appearance or utility of the highway, the Municipal Board may authorize the establishment of the building line at a distance greater than twenty feet from the limit of the highway in respect of any part or parts of the highway. Exceptions R.S.O. 1970, c. 349

(6) The distance between the limit of the highway and the building line need not be the same for all parts of the highway or part of a highway in respect of which the by-law is passed. Building line need not be uniform

Exceptions
from opera-
tion of
by-law

(7) A by-law passed under subsection 1 shall not prevent the erection or placing closer to the limit of the highway than the distance fixed in the by-law of any one-storey shop or building front of such temporary character, conformable to the existing by-laws and regulations, as may be reasonable.

Compulsory
acquisition
of land

(8) After the by-law has been passed and approved by the Municipal Board,

- (a) if three-quarters of the frontage measured along one limit of the highway between two streets intersecting the highway is clear of buildings, other than one-storey shop or building fronts, back to the building line; or
- (b) if, at any time after the expiration of ten years from the date of the by-law, a majority of the owners of the land fronting and abutting on one limit of the highway between two streets intersecting the highway so petition in writing,

the municipality shall acquire the land fronting and abutting on that limit of the highway and lying between the two streets intersecting the highway and between the limit of the highway and the building line.

Board may
authorize
delay

(9) Notwithstanding that the conditions set out in clause *a* of subsection 8 have been fulfilled, the Municipal Board may from time to time authorize the municipality to delay its acquisition of the land in question, but no such authority shall be given so as to delay the acquisition beyond ten years from the date of the by-law.

Conveyance
to municipa-
lity when
land clear

(10) Where that part of the land of any owner lying between the limit of the highway and the building line is or becomes clear of buildings and the owner offers to convey that part to the municipality, the municipality shall accept the conveyance and is liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the highway.

Limitation
on compen-
sation

(11) In determining the compensation payable by the municipality for the taking of lands for the widening of a portion of a highway in respect of which a building line has been fixed under this section, the municipality is not liable to pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line.

By-law not
to give rise
to claims

(12) Notwithstanding any other provision in this Act or any other Act and except as provided in subsection 10, the municipality is not liable to pay any compensation or damages by reason of having passed a by-law under subsection 1.

(13) Every by-law under this section, when approved by the Municipal Board, shall be registered in the proper registry office and when tendered for registration shall have attached thereto a plan or plans and any supplementary memorandum that may be needed to furnish adequate local description to comply with *The Registry Act*, prepared by an Ontario land surveyor and showing the position of the building line in relation to the limit of the highway. R.S.O. 1960, c. 249, s. 339.

Registration
of by-law;
plan of work

R.S.O. 1970,
c. 409

PART XVI

ARBITRATIONS

341.—(1) Except in cases where there is an official arbitrator, the senior judge of the county or district court shall be sole arbitrator unless he under his hand requests a junior judge or the judge or junior judge of some other county or district to act for him, in which case the judge so designated shall be sole arbitrator.

Senior judge
as sole
arbitrator

(2) The provisions of *The Municipal Arbitrations Act* as to procedure and appeals apply to arbitrations held and awards made by the judge. R.S.O. 1960, c. 249, s. 347.

R.S.O. 1970,
c. 286
to apply

342.—(1) Notwithstanding the other provisions of this Act or any other Act, the council may by by-law designate the Municipal Board as the sole arbitrator, in which case the Municipal Board has and may exercise all the powers and duties of an official arbitrator.

Municipal
Board as
arbitrator

(2) Except as provided in subsection 3, *The Ontario Municipal Board Act* applies to proceedings taken before the Municipal Board under this section.

Procedure,
application
of
R.S.O. 1970,
c. 323

(3) The provisions of *The Municipal Arbitrations Act* with respect to appeals apply to awards made by the Municipal Board under this section. R.S.O. 1960, c. 249, s. 348.

Appeals,
application
of
R.S.O. 1970,
c. 286

PART XVII

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS

343. Where a duty, obligation or liability is imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants, of a municipality, or where a contract or agreement is entered into that imposes such a duty, obligation or liability, the corporation has the right by action to enforce it and to obtain as complete and as full relief and remedy as could be obtained in an action by the Minister of Justice and Attorney General, as plaintiff, or as plaintiff on the

Right of
action of
municipal
corporation
to enforce
agreements,
etc.

relation of any person interested, or in action by such inhabitants or one or more of them, on his or their own behalf, or on behalf of himself or themselves and of such inhabitants. R.S.O. 1960, c. 249, s. 350, *amended*.

Corporation
to be liable
for acts done
under illegal
by-law

344. An action shall not be brought for anything done under a by-law, order or resolution of a council that is invalid, in whole or in part, until one month after the by-law, order or resolution, or so much of it as is invalid, has been quashed or repealed, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. R.S.O. 1960, c. 249, s. 351.

PART XVIII

ADMINISTRATION OF JUSTICE

Police office

345. The council of every city and town shall establish and maintain therein a police office. R.S.O. 1960, c. 249, s. 352.

Accommoda-
tion, etc., for
police office

346. The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the police office, and for the officers connected with it. R.S.O. 1960, c. 249, s. 353.

Existing
county and
district
towns
continued

347. Until otherwise provided by law, the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situated. R.S.O. 1960, c. 249, s. 354.

Conveyance
of prisoners

348. Where the attendance of a prisoner confined in a correctional institution is required at a hearing or proceeding, the municipality maintaining the police force that delivered the prisoner to the correctional institution is responsible for conveying the prisoner from the correctional institution to the place of the hearing or proceeding and for his return. 1968, c. 76, s. 18, *amended*.

Lock-up
houses

349.—(1) Subject to the approval of the Ontario Police Commission, the council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any correctional institution for trial, or in the execution of any sentence, and such persons may be lawfully received and so detained in the lock-up. R.S.O. 1960, c. 249, s. 372 (1); 1966, c. 93, s. 21, *amended*.

(2) Two or more local municipalities may unite in establishing, maintaining and regulating a lock-up house, and such lock-up house shall be deemed to be the lock-up house of each of them. R.S.O. 1960, c. 249, s. 372 (2). Joint lock-up houses

350.—(1) Every lock-up house shall be placed in the charge of a constable appointed for that purpose. Constable in charge

(2) The council may provide for and pay the salary or other remuneration of the constable in charge of a lock-up. R.S.O. 1960, c. 249, s. 373. Salary

351.—(1) The council of a city having a population of not less than 50,000 may, Institutions for reclamation of habitual drunkards

(a) establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards; and

(b) provide that the mayor, provincial judge, or any justice of the peace having jurisdiction in the municipality, may send or commit to such institution an habitual drunkard, with or without hard labour.

(2) Sections 54 to 57 of *The Private Sanitaria Act* apply to such institution. R.S.O. 1960, c. 249, s. 376. R.S.O. 1970, c. 363 to apply

PART XIX

POWERS TO PASS BY-LAWS

352. By-laws may be passed by the councils of all municipalities:

Agreements and Contracts

1. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon, provided that notwithstanding the provisions of any such agreement no liability accrues to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it. Fire protection agreements

2. For contracting for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be considered advisable, and for renting hydrants for any number of years not, in the first instance, exceeding ten, and for renewing the contract from time to time for periods not exceeding ten years, as the council may consider proper, or for purchasing or erecting hydrants necessary for any of such purposes. Water supply contracts

Insurance

3. For contracting for insurance against risks that may involve pecuniary loss or liability on the part of the corporation, and for paying premiums therefor.

Agreement with adjoining municipality or the owner of any works as to sewage works

4. For entering into agreement with the corporation of an adjoining municipality or with the owner of any sewage works for the use or interchange of any sewage works for the disposal, interception or purification of sewage, and for making all necessary connections and acquiring land in or adjacent to the municipality for any of such purposes, and for providing for the payment by one municipality or party to the other, annually or otherwise, of such sums as may be agreed upon as compensation for any such interchange or use.

Joint operation of works, systems and services

5. For entering into agreement with one or more municipalities to provide for the joint management and operation of water systems, sewage systems, works for the disposal, interception or purification of sewage, garbage collection and disposal systems, hydro-electric systems, transportation systems, road systems, fire departments, police departments, or other municipal utility, systems or services, and for the establishment of joint boards of management thereof.

Joint acquisition and operation of water system, etc.

6. For entering into agreement with one or more municipalities for the establishment, acquisition, enlargement or extension of water systems, sewage systems and sewage disposal works to be jointly owned by the municipalities that have entered into agreement and operated for their joint use upon such terms as may be agreed upon.

Contracts for street watering or oiling

7. For entering into agreement with a company, board or commission operating a transportation system in the municipality for watering or oiling any of the highways for any number of years, not exceeding five, and for renewing such agreement from time to time for a period not exceeding five years.

Providing for determination of disputes under agreements

8. For providing in any agreement that may be lawfully made with another municipality that any dispute arising out of such agreement may be determined by the Municipal Board as sole arbitrator. R.S.O. 1960, c. 249, s. 377, pars. 1-8.

Air Harbours and Landing Grounds

Establishment, etc., of air harbours or landing grounds

9. For establishing, operating, maintaining and improving or for granting aid to the establishment, operation, maintenance and improvement of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour

or landing ground so established to a commission appointed by the council.

- (a) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing air harbour or landing ground in any municipality or in territory without municipal organization. 1965, c. 77, s. 26 (1); 1966, c. 93, s. 22 (1).

Associations

10. For the corporation becoming a member of any union of Ontario municipalities for furthering the interests of municipalities and paying the fees for such membership and making contributions for the expenses of the union, and paying the expenses of delegates to any meeting of it or upon its business. R.S.O. 1960, c. 249, s. 377, par. 10.

Membership
in union of
municipalities

11. For any of the elected or appointed officers of the corporation becoming members of any municipal union or association or any other association for extending and improving the technical skill of such officers in the discharge of their municipal duties, and for paying the whole or part of the fees for such membership or for tuition of officers or employees enrolled in any course of instruction sponsored by such union or association, and for paying the expenses of such officers attending any meeting of such union or association or upon its business. 1967, c. 55, s. 15 (1).

Officers
becoming
members of
associations
for
improving
technical
skill

12. For paying the whole or part of the fees for tuition of officers or employees of the corporation enrolled in any course of instruction at any university or college if council is of the opinion that such tuition will assist such officers or employees in the discharge of their municipal duties. 1968-69, c. 74, s. 18 (1).

Tuition fees
for course in
university
or college

13. For the corporation becoming a member of the Canadian Deep Waterways and Power Association and paying the fees for such membership and for making contributions towards the expenses of such Association and paying the expenses of delegates to any meeting of it or upon its business.

Canadian
Deep
Waterways
and Power
Association

14. For making contributions towards the expenses incurred by the Ontario Safety League in carrying out the purposes for which it was organized.

Grants to
Ontario
Safety
League

15. For appointing representatives to a Regional Development Association that has been duly constituted for the promotion of the economic development of the general area and for the making of grants to such Association.

Regional
Develop-
ment
Association

Drainage and Floods

Construction of drains, sewers, sewage disposal works, etc.

16. For constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or watercourses; for constructing, maintaining, repairing and improving dams; for providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; for making all necessary connections therewith, and for acquiring land in or adjacent to the municipality for any of such purposes.

- (a) Before passing a by-law under this paragraph, the council may direct that an engineer's report, with or without a survey, be prepared and the cost thereof may be levied against all the rateable property in the municipality or in a defined area thereof that in the opinion of council derives special benefit therefrom.
- (b) The cost of such construction, maintaining, improving, repairing, widening, altering, diverting, stopping up and acquisition may be levied against all rateable property in the municipality, or in a defined area thereof that in the opinion of council derives special benefit therefrom.

Works for prevention of damage by flooding

17. For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be considered necessary for that purpose, and for deepening, widening, straightening or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water. R.S.O. 1960, c. 249, s. 377, pars. 12-16.

Agreements to prevent damage by floods

18. For entering into agreement with Her Majesty in right of Ontario and for entering into agreement with one or more municipalities and Her Majesty in right of Ontario to acquire and hold for and on behalf of Her Majesty in right of Ontario any lands and premises in the municipality or in any other municipality for the purpose of preventing damage by floods and for doing all such things as may be considered necessary for that purpose.

- (a) Such lands and premises shall be used and disposed of as directed by the Lieutenant Governor in Council.
- (b) For the purposes of *The Assessment Act*, such lands and premises shall be deemed a public park. R.S.O. 1960, c. 249, s. 377, par. 17; 1968-69, c. 74, s. 18 (2).

R.S.O. 1970, c. 32

Obstruction of drains

19. For prohibiting the obstruction of any drain or watercourse and for requiring the person causing the obstruction to remove it.

20. For permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or water-course situated on a highway under the jurisdiction of the municipality. 1968, c. 76, s. 20 (1).

Construction of culverts, etc., crossing drains

Exhibitions, etc.

21. For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same.

Acquiring land for agricultural exhibitions, etc.

22. For leasing for any period, not exceeding three years from the making of the lease, any part of the land acquired under paragraph 21, that is not immediately required for the purposes for which it was acquired.

Power to lease

General

23. For taking a census of the inhabitants. R.S.O. 1960, c. 249, s. 377, pars. 18-20.

Census

24. For providing for the use by any person of any of the mechanical equipment of the municipality and for fixing the terms, conditions and rent charges therefor.

Rental of equipment

25. For submitting to the vote of the electors any municipal question not specifically authorized by law to be submitted.

Submission of questions of general policy to electors

- (a) A question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario shall be submitted to the electors qualified to vote on money by-laws.

26. For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing; for licensing any person using any land in the municipality for the purposes of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods that have been subjected to any such process; for authorizing the architect or other person named in the by-laws to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such licence.

Licensing, etc., dry cleaners, etc.

- (a) Where the council of a town, village or township has passed a by-law under this section, the by-law of the county is not in force in the town, village or township while the by-law of the town, village or township remains in force.

Grants, etc.

Grants to
members of
armed forces

27. With the assent of the electors qualified to vote on money by-laws, for making grants to persons who served in the armed forces of Her Majesty or Her Majesty's allies during any war.

Aid to
widows, etc.

28. With the assent of the electors qualified to vote on money by-laws, for granting aid to any fund established for the purpose of providing allowances or other assistance to the dependants of persons who died while serving in the armed forces of Her Majesty or Her Majesty's allies during any war and who immediately before entering such service resided in the municipality for at least six months.

Public bath-
ing houses

29. For establishing and maintaining or for granting money to aid in the construction of public bathing houses.

Aid to
charities

30. For granting aid to any charitable institution or out-of-door relief to the resident poor. R.S.O. 1960, c. 249, s. 377, pars. 22-28.

Aid for
retarded
persons

31. For granting aid to any association duly constituted for the promotion of the welfare and education of retarded persons within the municipality. R.S.O. 1960, c. 249, s. 377, par. 29; 1968, c. 76, s. 20 (2).

Community
programs
R.S.O. 1970,
c. 111

32. For carrying on any community or joint community program of recreation within the meaning of the regulations under *The Department of Education Act* and for expending money or for granting money in aid for such purposes.

Aid to fat
or live stock
shows

33. For granting or lending money or granting land in aid of any association for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments.

Grants to
ferries

34. For making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of the municipality from another part of it, or separating it from another municipality in Ontario.

Fox
bounties

35. For giving bounties for the destruction of foxes, provided that a local municipality shall not give any such bounties where the county in which it is situate has a by-law in force under this paragraph.

Aid for con-
struction of
harbours,
wharves, etc.

36. For granting aid for the construction of harbours, wharves, docks, slips and beacons on any river, lake or navigable water passing in, through or forming any part of the boundary of the county, on such terms and conditions as to security and otherwise as may be considered expedient. R.S.O. 1960, c. 249, s. 377, pars. 30-34.

37. For granting aid for the erection, establishment, maintenance or equipment of public hospitals including municipal hospitals, public sanatoria or municipal isolation hospitals and nurses' residences in connection therewith, within or outside the municipality, and may issue debentures therefor.

Aid to
hospitals

(a) Granting aid for the purposes of this paragraph shall be deemed to include and to have always included granting money or land in aid. R.S.O. 1960, c. 249, s. 377, par. 35.

(b) The council of a county may provide for the assumption in whole or in part of the outstanding debenture liability or other obligation of any local municipality within the county incurred by any such local municipality for any of the purposes mentioned in this paragraph, but no by-law passed under this clause shall be repealed or amended without the approval of the Department. 1960-61, c. 59, s. 14 (1).

38. For aiding in maintaining any indigent inhabitant, or person found in the municipality, at a home for the aged, hospital or institution for the mentally ill, deaf and dumb or blind, or other public institution of a like character.

Aiding
indigent
persons

(a) Where money is advanced by way of charity or relief to or expended for the benefit of a person who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him, the corporation may take a conveyance of or a security on such land for the amount advanced or expended, and, on the death of such person or the surrender of the land by him to the corporation, the corporation may sell or dispose of the land and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of 6 per cent per annum, and the costs of the sale and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person on demand.

39. For granting money or land in aid of any public library established under any Act in the municipality or in an adjacent municipality.

Public
libraries

40. For granting money or land in aid of any art gallery in the municipality or in an adjacent municipality operated on a non-profit basis for the advancement of culture and for the benefit of the public, upon such terms and conditions as the council considers expedient.

Aid to art
galleries

41. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment.

Offering and
paying
rewards

- Sports 42. For aiding athletic or aquatic sports, and for making grants or gifts to persons in recognition of outstanding achievements in athletic, aquatic or other games or contests.
- Aid to nursing organizations 43. For granting aid to the Victorian Order of Nurses and to any local community nursing registry approved by the Registered Nurses' Association of Ontario.
- Aid to Royal Botanical Gardens 44. For granting aid to the Royal Botanical Gardens. R.S.O. 1960, c. 249, s. 377, pars. 36-42.
- Aid to arts 45. For making grants in aid of the arts of the theatre, literature, music, painting, sculpture, or architecture or the graphic arts, or any other similar creative or interpretative activity. 1966, c. 93, s. 22 (2).
- Aid in respect of common disaster 46. For granting money by way of contribution to a relief fund established in aid of persons who suffer loss, whether in Ontario or elsewhere, as a result of a common disaster. 1970, c. 135, s. 6, *part.*

Harbours, Wharves, etc.

- Making, etc., of wharves, docks, etc. 47. For making, improving and maintaining public wharves, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof.
- Regulating harbours 48. For regulating harbours.
- Injuring, filling up, etc., of harbours, wharves 49. For prohibiting the injuring, fouling, filling up or encumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water.
- Beacons 50. For erecting and maintaining beacons. R.S.O. 1960, c. 249, s. 377, pars. 43-46.
- Erecting and regulating use of docks, etc. 51. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels, and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time. R.S.O. 1960, c. 249, s. 377, par. 47; 1961-62, c. 86, s. 41. (2).
- Vessels, etc. Harbour dues 52. For regulating vessels, crafts and rafts arriving in a harbour, and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order and to pay a harbour master.

53. For requiring the owner or occupant of the land, in connection with which the same exist, to remove door-steps, porches, railings or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water.

Removal of door-steps, railings, projecting over wharf, dock, etc.

54. For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, crafts, cribs, rafts, logs or other obstructions or encumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

Removal of sunken vessels, etc., from harbours, etc.

Highways and Bridges

55. For regulating the driving of horses or cattle and the riding of horses on highways and bridges.

Regulating driving on roads and bridges

56. For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges.

Prohibiting racing on highways

57. Notwithstanding any other Act, for laying or maintaining, or for authorizing any person to lay, use or maintain, pipes or conduits for transmitting gasoline, petroleum or petroleum products, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council considers reasonable; and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon.

Laying of pipes for petroleum, etc.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

58. For prohibiting carriages, wagons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon, any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-lot, garden or other place set apart for ornament or embellishment or for public recreation. R.S.O. 1960, c. 249, s. 377, pars. 48-54.

Prohibiting vehicles on sidewalks, etc.

- (a) Clause a of paragraph 107 of subsection 1 of section 354 applies to penalties provided by a by-law passed under this paragraph.
- (b) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed

under this paragraph, and the owner of the motor vehicle is also liable to such a penalty, unless, at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. 1964, c. 68, s. 9 (1).

Benches on highways

59. For placing or permitting any person to place benches for the use of the public on the untravelled portion of any highway under its jurisdiction.

Temporary closing of highway for repairs, etc.

60. For closing temporarily any highway or portion of a highway under the jurisdiction of the municipality for any period during the construction, repairing or improvement of such highway or portion thereof.

- (a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.
- (b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.
- (c) Every person who uses a highway or portion of a highway so closed to traffic does so at his own risk and the municipality having jurisdiction over the highway is not liable for any damage sustained by a person using the highway or portion thereof so closed to traffic.
- (d) Every person who without lawful authority uses a highway or portion thereof so closed to traffic while it is protected in accordance with this paragraph, or who removes or defaces any barricade, device, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 and is also liable to the municipality having jurisdiction for any damage or injury occasioned by such wrongful use, removal or defacement.

Transit system shelters

61. For placing or permitting any person, under such conditions as may be agreed upon, to erect transit system shelters on the untravelled portion of a highway under its jurisdiction. R.S.O. 1960, c. 249, s. 377, pars. 55-57.

62. For permitting any person under such conditions as may be agreed upon to place and maintain boxes for the dispensing of newspapers upon a sidewalk or the untravelled portion of a highway under its jurisdiction. 1964, c. 68, s. 9 (2).

Newspaper
boxes

Municipal Employees

63. For appointing such officers and servants as may be necessary for the purposes of the corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them. R.S.O. 1960, c. 249, s. 377, par. 58.

Appointing
certain
officers

64. Subject to such limitations and restrictions as the Lieutenant Governor in Council may prescribe by regulations, for providing pensions for employees or any class thereof and their widows and children.

Pensions

(a) In this paragraph,

Interpre-
tation

(i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes any person or class of person designated as an employee by the Minister,

(ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof but does not include a hospital established under any general or special Act and operated by a municipal corporation.

(b) No by-law passed under this paragraph shall become operative until approved by the Department nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department.

Approval by
Department

(c) Payments made under this paragraph or under *The Ontario Municipal Employees Retirement System Act* with respect to past service may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years and payments with respect to past service and future service shall be deemed to be current expenditures.

Payments to
be deemed
current
expenditures
R.S.O. 1970,
c. 324

Payments to be deducted from salary, etc.

- (d) The municipality or local board shall deduct by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable the amount that such employee is required to pay in accordance with the provisions of the plan that provides a pension for such employee.

Payments by local board to municipality

- (e) Where any employee of a local board is a member of a pension plan provided by a municipality, the local board shall pay to the treasurer of the municipality the payments and deductions made for past and future service of such employee.

Municipalities may agree to provide pensions

- (f) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof, and in such case the provisions of this paragraph apply *mutatis mutandis* and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph.

Local boards may provide pensions

- (g) Any local board may provide pensions for employees or any class thereof and the provisions of this paragraph apply *mutatis mutandis* thereto. R.S.O. 1960, c. 249, s. 377, par. 59; 1961-62, c. 86, s. 41 (3, 4); 1962-63, c. 87, s. 15 (3).

Sick leave credit gratuities

65. For establishing a plan of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

Interpretation

- (a) "Employee" means an employee as defined in paragraph 64.

Allowing of credits on transfer of employment

- (b) A by-law passed under this paragraph may provide, upon such terms and conditions as may be prescribed, for placing to the credit of an employee formerly employed by another municipality or local board which had established a sick leave credit plan under this or any other general or special Act the whole or any part of the sick leave credits standing to the credit of the employee in the plan of the municipality or local board formerly employing the employee.

Local boards

- (c) Any local board, except a school board, may establish a plan of sick leave credit gratuities for employees or any class thereof, and the provisions of this paragraph apply *mutatis mutandis* thereto. R.S.O. 1960, c. 249, s. 377, par. 60; 1967, c. 55, s. 15 (2, 3).

66. Subject to *The Health Services Insurance Act*, for providing by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

Insurance,
hospitaliza-
tion, etc.
R.S.O. 1970,
cc. 200,
224, 360

- i. group life insurance for employees or any class thereof,
- ii. group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and
- iii. hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives or husbands and children,

and for paying the whole or part of the cost thereof.

- (a) In this paragraph, "employee" means an employee as defined in paragraph 64.
- (b) Any local board may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor in the same manner and for the same classes of persons as the council of a municipality, and the provisions of this paragraph apply *mutatis mutandis* thereto. 1968-69, c. 74, s. 18 (3).

67. For paying the whole or part of the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act* or of health services insurance under *The Health Services Insurance Act*.

Contribu-
tions
towards
plans under
R.S.O. 1970,
cc. 209, 200

- (a) In this paragraph, "employee" means an employee as defined in paragraph 64.
- (b) Any local board may contribute toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act* or of health services insurance under *The Health Services Insurance Act* and the provisions of this paragraph apply *mutatis mutandis* thereto. 1968-69, c. 74, s. 18 (4).

Parks, Parking Lots, etc.

68. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring
land for
parks, etc.

R.S.O. 1970,
c. 384

- (a) A corporation that expropriates land in another municipality under the powers conferred by this paragraph

shall put the land in an efficient state to be used and open it to the general public for the purpose for which it was acquired within a reasonable time after such expropriation, and shall maintain and keep the land in an efficient state of repair and shall provide police protection therefor.

- (b) Where land is acquired under this paragraph, the cost of acquisition and maintenance thereof or any part thereof may be levied against a defined area in the municipality that in the opinion of the council derives special benefit therefrom.
- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management, the council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and, where the board is composed of five or more persons, at least two shall be members of the council. R.S.O. 1960, c. 249, s. 377, par. 63; 1965, c. 77, s. 26 (2).

Accepting
land
dedicated

69. For accepting and taking charge of land, within or outside the municipality, dedicated as a public park for the use of the inhabitants of the municipality.

Joint
acquisition
and main-
tenance of
public parks

70. For entering into agreement with one or more municipalities for the purpose of,

- i. acquiring land for and establishing and laying out a public park within the municipality or within any other municipality; and
- ii. maintaining or operating a public park within the municipality or within any other municipality.

Grants re
public parks
outside
municipality

71. For granting aid to another municipality or to a board of park management for the maintenance or operation of a public park outside the municipality. R.S.O. 1960, c. 249, s. 377, pars. 64-66.

Municipal
parking lots

72. For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon.

Definition
of vehicle

- (a) A by-law under this paragraph may define vehicle for the purposes of the by-law.

Application
of s. 460,
par. 8

- (b) Land acquired or established for the parking of vehicles under this paragraph and buildings and structures

acquired or erected under this paragraph shall be deemed to be a highway for the purposes of paragraph 8 of section 460 and the said paragraph 8 applies to such land, buildings and structures.

- (c) A by-law under this paragraph may set aside and designate on any land vested for any purpose in a municipality entrances and exits to or from any underground parking facilities for the use of persons or vehicles, provided no such entrances or exits shall be set aside on a connecting link or extension of the King's Highway without the approval of the Department of Highways. Entrances and exits from underground parking facilities
- (d) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened and if payment is not made in accordance with such procedure section 466 applies. Procedure for voluntary payment of penalties out of court
- (e) Where a municipality established a parking lot or lots or erects buildings or structures therein, thereon or thereunder for such purposes or constructs underground parking facilities in the municipality at the expense of all the ratepayers of the municipality, the municipality shall establish a reserve fund and deposit therein the net revenue derived from the operation of all parking facilities operated by or on behalf of the municipality or leased by or on behalf of the municipality for parking purposes, including parking meters on highways. Reserve fund
- (f) Such reserve fund shall be applied, Idem
- (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
 - (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
 - (iii) thirdly, for such other purposes as the Department may approve.
- (g) (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, the annual rental payable under a lease or any operating deficit in the previous year shall be levied against the lands in a defined area in Levy of parking lot cost against defined area

the municipality that in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

- (ii) The entire cost chargeable to lands in the defined area shall be equitably apportioned among all the parcels in accordance with the benefits accruing to a parcel from the establishment of the parking lot or in the proportion that the assessment of each parcel bears to the total assessment of the parcels in the defined area.
- (iii) Where the capital cost or a part thereof is to be levied as provided in subclause i, the council shall give notice of its application to the Municipal Board for approval of the by-law to the assessed owner of each parcel of land in the defined area.
- (iv) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.
- (v) Where a by-law establishing a parking lot provides for levying the capital cost thereof against land in a defined area, the net revenue derived from the operation of such parking lot shall be used to reduce the special levy to be made against the land in the defined area under subclause iii in the proportion the special levy made against each parcel of land bears to the total special levy, and after the debentures have been retired the net revenue derived from the operation of such parking lot shall be paid into the reserve fund set up under clause *e* or, if no reserve fund has been set up under clause *e*, a reserve fund shall be set up for the same purposes and such net revenue paid into the fund and applied in accordance with clause *f*.
- (h) Where a by-law has been passed under this paragraph, which provides that the capital cost or any part thereof shall be levied against the lands in a defined area under clause *g*, and the council is of the opinion that lands in any other area or areas have begun or may begin to derive a special benefit therefrom because of the passing, subsequent to the effective date of the by-law imposing the levy, of a by-law or amendment to a

Enlargement
of defined
area against
which cost
may be
levied

by-law under section 35 of *The Planning Act*, the council may, by a further by-law passed with the approval of the Municipal Board, define the area or areas in which lands have begun or may begin to derive such special benefit and reapportion the balance of such costs mentioned in subclause i of clause g and amend the schedule to the first-mentioned by-law so that such costs shall be apportioned against each parcel of land in all the defined areas that derive or that have begun or begin to derive such special benefit. R.S.O. 1960, c. 249, s. 377, par. 67; 1962-63, c. 87, s. 15 (4); 1965, c. 77, s. 26 (3).

R.S.O. 1970,
c. 349

73. For establishing an authority to be known as "The Parking Authority of the of", and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

Independent
parking
authority
authorized

- (a) A parking authority established under this paragraph is a body corporate and shall consist of three members, each of whom shall be a person qualified to be elected as a member of the council of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.
- (b) The by-law establishing a parking authority or a subsequent by-law may provide for a staggered system of appointments, in which case, on the first appointment of members after the passing of the by-law, one member shall be appointed to hold office for one year, one for two years and one for three years, and thereafter all appointments shall be for a period of three years.
- (c) No member of the council is eligible to be appointed a member of the parking authority.
- (d) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.
- (e) Any member is eligible for reappointment on the expiration of his term of office.
- (f) The members may be paid such salary or other remuneration as may be fixed by by-law of the council.
- (g) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred and duties imposed on the municipal corporation by any general or special Act with respect to the construction, maintenance, operation and manage-

Incorporation
and
members

Staggered
system of
appointments

Council
members not
qualified

Vacancies

Reappointment
of
members

Salary of
members

Powers and
duties of
municipality
transferred
to authority

ment of municipal parking facilities shall be exercised by the parking authority, but subject to such limitations as the by-law may provide.

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| Budget and expenditures | (h) The parking authority shall submit to the council its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the parking authority and, when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the parking authority, pay out such money. |
| Annual report | (i) On or before the 1st day of March in each year, the parking authority shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement. |
| Audit | (j) The municipal auditor shall be the auditor of the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection. |
| Debentures | (k) The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority. |
| Abolition of authority | (l) Upon the repeal of the by-law establishing the parking authority, the parking authority ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality. R.S.O. 1960, c. 249, 377, par. 68; 1962-63, c. 87, s. 15 (5, 6); 1966, c. 93, s. 22 (9). |

Special Undertakings

- | | |
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| Special undertakings | 74. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality that may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of Her Majesty or Her Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom. |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor or for any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.
- (b) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than sixty-six feet in width and over which the corporation has jurisdiction.
- (c) Subject to the approval of the Department, any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.
- (d) The councils of two or more municipalities may enter into agreement for carrying out any of the purposes of this paragraph in any one of such municipalities.
- (e) The council may appoint not fewer than three and not more than seven persons who are qualified to be elected as members of the council to act on its behalf as a board of management for any undertaking under this paragraph and, where the board is composed of five or more persons, at least two shall be members of the council.
- (f) Where two or more municipalities have entered into agreement under clause *d*, each member of the board shall be a person who is qualified to be elected as a member of the council of one of such municipalities and, where the board is composed of five or more persons, at least two shall be appointed from among the members of the councils of such municipalities.
- (g) The council may prescribe fees for admittance to or for the use of any undertaking under this paragraph.
- (h) A board of management appointed under this paragraph for an arena or community centre shall have the power to let from year to year or for any time not exceeding ten years the right to sell refreshments within the arena or community centre under such terms and conditions as the board may prescribe. R.S.O. 1960, c. 249, s. 377, par. 69; 1961-62, c. 86, s. 41 (5, 6); 1968, c. 76, s. 20 (3).

75. Without limiting the generality of section 336, and in addition to the powers set out therein, for acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical or dental practitioner on such terms and conditions as the council may determine, and such property may be so leased for residential, clinical or office purposes or a combination thereof. 1970, c. 135, s. 6, *part*.

Power to
acquire real
property for
purpose of
leasing to
doctor or
dentist

Exemption
from
taxation

76. For exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, clubhouse or athletic grounds by persons who served in the armed forces of Her Majesty or Her Majesty's allies in any war. R.S.O. 1960, c. 249, s. 377, par. 70.

Lodging
houses

77. For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence.

- (a) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.
- (b) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging house or lodging-house keepers, and may provide for the issue and revocation of licences for any class or classes of lodging house by the local board of health and for prohibiting the use of premises licensed under the by-law, except for the purposes for which the licence was issued, and may fix the licence fee for any class or classes of lodging house in accordance with a scale for each class or the number of inmates permitted in the lodging house.
- (c) A by-law of a county passed under this paragraph has no force in any local municipality in which a by-law passed by such local municipality is in force in respect of the same class or classes of lodging house. 1965, c. 77, s. 26 (4); 1966, c. 93, s. 22 (11).

Grants for
patriotic
purposes:

353. By-laws may be passed,

- (a) by the councils of counties, cities, separated towns and separated townships, and of local municipalities in unorganized territory,
 - (i) for granting aid to any patriotic organization that is duly registered under *The War Charities Act, 1939* (Canada),
 - (ii) for aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature,
 - (iii) for aiding the establishment or maintenance of military bands of music;

aid to
patriotic
organiza-
tions

aid to rifle
associations
and militia

bands of
music

- (b) by the councils of all municipalities,
- (i) for aiding the establishment or maintenance of local war savings or loan committees, war savings committees
 - (ii) for the establishment and maintenance of emergency measures civil defence organizations, and civil defence
 - (iii) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality. idem R.S.O. 1960, c. 249, s. 378.

354.—(1) By-laws may be passed by the councils of local municipalities:

[NOTE.—For special provisions relating to the exercise by townships of certain of the following powers, see subsections 2 and 3 of this section.]

Animals and Birds

1. For regulating the keeping of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes, reptiles or other animals, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof. Regulating the keeping of animals, etc. R.S.O. 1960, c. 249, s. 379 (1), par. 1; 1967, c. 55, s. 16 (1).
2. For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes, reptiles or other animals that may be kept by any person within the municipality or defined areas thereof. Restricting number of animals that may be kept 1965, c. 77, s. 27 (1); 1967, c. 55, s. 16 (2).
3. For prohibiting the keeping of domestic fowl or cattle, goats, swine, rabbits, mink, foxes, reptiles or other animals, except horses or mules, within the municipality or defined areas thereof. Prohibiting keeping of animals, etc. R.S.O. 1960, c. 249, s. 379 (1), par. 2; 1967, c. 55, s. 16 (3).
4. For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the poundkeeper to impound. Providing pounds
5. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law. Animals running at large
6. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality. Appraising the damages

Compensation for impounding animals

7. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded or distrained and detained in the possession of the distrainer.

- (a) Any by-law passed by the council of a town, village or township under paragraphs 4 to 7 applies to any county highway or part thereof situate within such town, village or township.

Television Antennae

Television installers

8. For licensing, regulating and governing persons engaged in the installation, erection, construction, reconstruction, alteration repair of structures used to carry television antennae, and for revoking any such license.

Explosives

Regulating, storing and transportation of explosives

9. For regulating the keeping, storing and transporting of,

- (a) dynamite, dualin, nitro-glycerine or gunpowder;
(b) petroleum, gasoline or naphtha;
(c) detonators and detonator caps; and
(d) other dangerous or combustible, inflammable or explosive substances.

Fees for support of magazines

10. For regulating and providing for the support by fees of magazines belonging to private persons for the storage of the substances mentioned in clause *a* of paragraph 8, and for requiring them to be stored in such magazines.

Erecting and maintaining magazines

11. For erecting and maintaining within or without the limits of the municipality magazines for the storage of the substances mentioned in clause *a* of paragraph 9, and for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines.

Limiting quantity to be kept

12. For limiting the quantity of the substances mentioned in clause *a* of paragraph 9 that may be kept in any place other than such a magazine, and for regulating the manner in which they are to be kept or stored.

Prohibiting manufacture of explosives

13. For prohibiting or regulating the establishment within the municipality of factories or other places for the manufacture or storage of any of the substances mentioned in clause *a* of paragraph 9.

Submission of plans of premises

14. For requiring the submission of plans of the premises including the buildings upon or in which it is proposed that such manufacture or storage shall take place, and the approval of them by the council before the manufacture or storing is commenced.

Height and description of fences around buildings

15. For requiring such buildings to be surrounded by walls or fences and for regulating the height and description of such walls or fences and their distance from such buildings, and also the distance from any other building, at which such manufacture or storage may be carried on.

16. For regulating the carrying on of the business of manufacturing or storing such substances, whether the business has been heretofore or is hereafter established, and prescribing the precautions to be taken for the prevention of fires and accidents from the combustion or explosion of such substances.

Regulating
business of
manufacturing
explosives

17. For granting licences for the carrying on of the business of manufacturing the substances mentioned in paragraph 9 or for storing them in quantities of more than twenty-five pounds, and prescribing the time, not exceeding five years, during which the licences shall remain in force, provided that the licence fee shall not exceed \$25 a month for every month in which such business is carried on.

Licences
for carrying
on business

18. For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances.

Storing, etc.,
of gasoline,
etc.

Fences

19. For prescribing the height and description of lawful fences.

Height and
kind of
fence

20. For prescribing the height and description of, and the manner of maintaining, keeping up and laying down, fences along highways or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down any such fence.

Along
highways

21. For determining how the cost of division fences shall be apportioned, and for providing that any amount so apportioned shall be recoverable under *The Summary Convictions Act*, provided that, until a by-law is passed, *The Line Fences Act* applies.

Division
fences,
apportion-
ment of cost
R.S.O. 1970,
cc. 450, 248

22. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or any other barbed material to be provided by the owner of the land, and in towns and cities for prohibiting the erection along the highways of fences made wholly or partly of barbed wire or any other barbed material.

Barbed wire
fences

23. For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or watercourse.

Water gates

24. For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools and for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates.

Fences
around
private
outdoor
swimming
pools

Fire Matters

Fire halls,
fire-fighting
equipment

25. For acquiring land and erecting thereon a fire hall and for purchasing and installing fire engines, apparatus and appliances for fire-fighting and fire protection, and for issuing debentures therefor without the assent of the electors.

Establish-
ing fire
companies,
etc.

26. For appointing fire wardens, fire engineers and fire fighters and for promoting, establishing and regulating fire, hook-and-ladder and property-saving companies.

Providing
against
accidents
by fire

27. For securing against accident by fire the inmates and employees and others in factories, hotels, boarding houses, lodging houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement.

Smoking
in shops

28. For regulating smoking in retail shops in which ten or more persons are employed, or in any class or classes thereof, and for prohibiting smoking in such shops or any class or classes thereof, or in any part or parts thereof.

Prescribing
times for
setting fires
and pre-
cautions

29. For prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

Discharge of
firearms

30. For prohibiting or regulating the discharge of guns or other firearms, air-guns and spring-guns or any class or type thereof in the municipality or in any defined area or areas thereof. R.S.O. 1960, c. 249, s. 379 (1), pars. 3-29.

Sale of
fireworks

31. For regulating the sale of fireworks or any class or classes thereof and for prohibiting the sale of fireworks or any class or classes thereof on any day or days during the year or to any person under such age as the by-law may prescribe. R.S.O. 1960, c. 249, s. 379 (1), par. 30; 1962-63, c. 87, s. 16 (1); 1970, c. 135, s. 7 (1).

Setting off
fireworks

32. For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit. R.S.O. 1960, c. 249, s. 379, (1), par. 31; 1970, c. 135, s. 7 (2).

Wooden
buildings

33. For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of any such building or fence from one place to another in defined areas of the municipality.

Fire in
stables, etc.

34. For prohibiting or regulating the use of fire or lights in factories, stables, cabinet makers' shops, carpenters' shops, paint shops, dye and cleaning works, and places where their use may cause or promote fire.

Dangerous
manufac-
tures

35. For prohibiting or regulating the carrying on of manufactures or trades that may be considered dangerous in causing or spreading fire.

36. For regulating and enforcing the proper cleaning of chimneys. Chimney cleaning
37. For regulating the mode of removal and safekeeping of ashes. Removal of ashes
38. For requiring the owners and occupants of buildings to have scuttles in the roof, with approaches, or stairs or ladders leading to the roof. Scuttles, ladders, etc., to roof
39. For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident. Guarding buildings against fire
40. For requiring each inhabitant to provide as many fire buckets in such manner and at such time as may be prescribed; and for regulating the inspection of them and their use at fires. Fire buckets
41. For authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the by-law. Inspection of premises
42. For suppressing fires, and for pulling down or demolishing buildings, or other erections when considered necessary to prevent the spread of fire. Preventing spreading of fire
43. For regulating the conduct and enforcing the assistance of persons present and for the preservation of property at fires. Enforcing assistance at fires
44. For making such other regulations for preventing fires and the spread of fires as the council considers necessary. R.S.O. 1960, c. 249, s. 379 (1), pars. 32-43. Regulations
45. For prohibiting the installation, use and maintenance of incinerators for the burning of garbage or other refuse in any class or classes of buildings erected after the 1st day of September, 1966. 1966, c. 93, s. 23 (1). Prohibiting incinerators in certain buildings

Food and Fuel

46. For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal. Regulating the delivery or exposure for sale of meat, etc.
47. For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered for sale for human food, whether on the streets or in public places, or in shops. Inspection of provisions
48. For authorizing the seizing and destroying of tainted and unwholesome articles of food. Seizing tainted food
49. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board: Power to buy and sell fuel and food
- i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality.

- ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes.
- iii. For appointing officers, clerks and servants to manage and conduct such businesses.
- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.
 - (a) The by-law need not be assented to by the electors, but requires a vote of two-thirds of all the members of the council.
 - (b) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council. R.S.O. 1960, c. 249, s. 379 (1), pars. 44-47.

General

Industrial
sites

50. On the vote of three-fourths of all the members of the council, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application
of receipts
where debt
outstanding

R.S.O. 1970,
c. 255

- (a) Where land has been acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality.

Use of
land by
municipality
or sale to
local board

R.S.O. 1970,
c. 118

- (b) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board.

- (c) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose. 1965, c. 77, s. 27 (2).

Disposal
of land
when no
longer
required

51. For providing by means of taxation for the establishment and maintenance of a fund for the support and aid of a civilian band or bands of music and for making annual or other grants from such fund to any civilian band or bands or to the members thereof. R.S.O. 1960, c. 249, s. 379 (1), par. 50; 1970, c. 135, s. 7 (3).

Establishing
funds for
bands

52. For disqualifying from voting an elector whose taxes on land on the day fixed for nomination at the municipal election are overdue and unpaid. R.S.O. 1960, c. 249, s. 379 (1), par. 51.

Disqualify-
ing electors
in arrear
for taxes

53. For authorizing the completion, improvement, alteration, enlargement or extension of any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission and for issuing debentures therefor.

By-laws
authorizing
undertakings
and borrow-
ing therefor

(a) In this paragraph,

Interpre-
tation

(i) "public utility undertaking" means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, and a transportation system, and includes any lands, buildings or equipment required for the administration or operation of any such system,

(ii) "public utility commission" means a commission or board having the control and management of a public utility undertaking.

(b) No such by-law requires the assent of the electors if the by-law authorizing the undertaking has been passed by a vote of three-fourths of all the members of the council.

Assent of
electors not
required

(c) The Municipal Board, upon application for approval with respect to works undertaken under this paragraph, may, in addition to the inquiry required by section 62 of *The Ontario Municipal Board Act*, have due regard to the financial position of the undertaking and to the additional revenue, if any, that might be derived as a result of the proposed work.

Approval of
O.M.B.

R.S.O. 1970,
c. 323

(d) This paragraph applies to any municipality operating any such undertaking under the authority of a special

Application
of paragraph

Act, and any provision in such special Act requiring the assent of the electors does not apply to the borrowing of money for the purposes of this paragraph.

Idem

R.S.O. 1970,
cc. 377, 332

- (e) This paragraph does not apply to a proposed work that the Department of Health has required a municipality to undertake, as provided in *The Public Health Act*, or that the Ontario Water Resources Commission has required a municipality to undertake, as provided in *The Ontario Water Resources Commission Act*.

Defined
areas

- (f) The powers conferred by this paragraph may be exercised in respect of the whole municipality or any defined area thereof, and a special rate for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section may be imposed upon all the rateable property in the municipality or in any such defined area.

Land of
certain
school
boards

R.S.O. 1970,
cc. 424, 32

- (g) Land of an elementary school or secondary school as defined in *The Schools Administration Act* is liable to be specially assessed for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section, notwithstanding the provisions of *The Assessment Act*. R.S.O. 1960, c. 249, s. 379 (1), par. 52; 1961-62, c. 86, s. 42 (4); 1968, c. 76, s. 21 (1, 2); 1968-69, c. 74, s. 19 (1).

Street
lighting
systems

54. For acquiring, establishing, constructing, maintaining and operating a street lighting system. R.S.O. 1960, c. 249, s. 379 (1), par. 53.

Removal of
snow and ice
from roofs
and side-
walks of
occupied
premises

55. For requiring the owners or occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the owners or occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done. R.S.O. 1960, c. 249, s. 379 (1), par. 54; 1966, c. 93, s. 23 (3).

Removal of
snow and ice
from roofs
and side-
walks of
unoccupied
premises

56. For clearing away and removing snow and ice from the roofs of any designated class of unoccupied buildings in the municipality or any designated area thereof and for clearing away and removing snow and ice from the sidewalks on the highways in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in the manner provided by section 469.

57. For clearing away and removing snow and ice from the sidewalks on any highway or part of a highway or any class thereof in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, or any class thereof, at the expense of the owners, and for collecting or recovering the expenses incurred in so doing in any manner including the manner provided by section 469.

Removal of
snow and
ice from
sidewalks

58. For permitting an owner or occupant of any building or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building but only to the extent necessary to effect such repairs, alterations or improvements, and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry. R.S.O. 1960, c. 249, s. 379 (1), pars. 55-57.

Right to
enter
adjoining
lands

59. For prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written permission of the chief of police in a city or town, or the reeve in townships and villages. R.S.O. 1960, c. 249, s. 379 (1), par. 58, *amended*.

Sparring
exhibitions
and boxing
matches

60. For prohibiting, or for licensing, regulating and governing, the racing of motor vehicles or motorcycles, or one or more defined classes thereof, in the municipality or one or more defined areas thereof; and for prohibiting, or for licensing, regulating and governing, the holding of motor vehicle or motorcycle races, or one or more defined classes thereof, in the municipality or one or more defined areas thereof.

Motor
vehicle and
motorcycle
racing

61. For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers.

Corporation
surveyor
and
engineers

(a) An engineer so appointed and his assistants, in the performance of their duties, possess all the powers, rights and privileges that a surveyor possesses under section 6 of *The Surveys Act*.

Powers of
engineer

R.S.O. 1970,
c. 453

62. For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them.

Destruction
of tussock
moths

Health, Sanitation and Safety

63. For prohibiting or regulating the bathing or washing of the person in any public water in or near the municipality.

Bathing

64. For requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation that, as between tenant or lessee and the landlord, is normally heated by or at the expense of the landlord, for defining adequate and suitable heat for such purposes and for providing for the inspection of such dwelling or living accommodation.

Adequate
heat in
rented
accommoda-
tion

Conveniences to be provided by builders

65. For requiring the owners, contractors or master workmen engaged in the erection or construction of buildings or public works to provide for the use of the workmen, employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them.

Contagious diseases

66. For providing blank forms for recording and reporting cases of contagious or infectious diseases, for placarding houses wherein such cases exist, and for taking such measures as may be considered necessary for preventing the spread of such diseases.

Dry earth closets

67. For requiring the use within the municipality or a defined area of it of dry earth closets.

Expenses of cleaning closets, etc.

68. For providing that the cleaning and disposing of the contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation.

Powers

(a) For such purpose, the corporation, its officers and servants have all the powers of the local board of health and its officers and servants.

Fixed or graded fees

(b) The council may provide for the expense incurred in such work by imposing in the by-law authorizing the work or in a separate by-law a fixed fee or graded fees varying according to the different kind of premises served, the time involved in service and such other matters as the council may consider applicable, and such fees shall be rated and assessed against the lands in respect of which such services are rendered in the collector's roll of the municipality and collected and recovered in like manner as municipal taxes.

Special rate, assessed value or monthly

(c) The council may provide that the collection, removal and disposal by the corporation of the contents of earth closets or other sanitary closets throughout the whole municipality, or in defined areas of it, shall be done at the expense of the owners, householders or occupants of the land therein, and where such service is at the expense of the owner may impose upon such land a special rate according to its assessed value which shall be collected and recovered in like manner as municipal taxes, or may impose upon the owners, householders and occupants of any building on such land a monthly rate in lieu of such special rate which shall be collected and recovered in like manner as municipal taxes.

Filling up, draining, etc., private drains

69. For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains. R.S.O. 1960, c. 249, s. 379 (1), pars. 59-68.

70. For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property. 1968, c. 76, s. 21 (3); 1970, c. 135, s. 7 (4).

Prohibiting
littering
of private
or municipal
property

71. For making any other regulations for sewage or drainage that may be considered necessary for sanitary purposes.

Regulations
for sewerage,
etc.

72. For establishing, acquiring, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof.

Sewage
works

73. For constructing service drains from a sewer to the line of the highway and for charging the owner of the premises for which the service drain is constructed the cost of such construction, which may be collected or recovered in like manner as taxes.

Drain
connections

74. For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cesspools, the continuance of which may, in the opinion of the council or the medical health officer, be dangerous to health. R.S.O. 1960, c. 249, s. 379 (1), pars. 69-72.

Closing and
filling up
cesspools,
etc.

75. For charging a fee for the inspection of plumbing, sewers, septic tanks, cesspools, water closets, earth closets, privies and privy vaults where, under this or any other Act, approval or a certificate of compliance or such inspection is required. R.S.O. 1960, c. 249, s. 379 (1), par. 74.

Plumbing
inspection
fees

76. For establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and for contracting with any person for the collection, removal and disposal by him of ashes, garbage and other refuse upon such terms and conditions as may be considered expedient, and for erecting and maintaining with the approval of the Department of Health such buildings, machinery and plant as may be considered necessary for the purposes of this paragraph.

Collection,
removal and
disposal of
garbage, etc.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof. R.S.O. 1960, c. 249, s. 379 (1), par. 75; 1968, c. 76, s. 21 (4).

77. For acquiring land in any local municipality or in territory without municipal organization for any of the purposes of paragraph 76.

Acquisition
of land for
garbage
disposal

- (a) No land shall be acquired in a local municipality under this paragraph without the approval of the local municipality, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board, and no land shall be acquired in territory without municipal organization under this paragraph without the approval of the Municipal Board.
- (b) The Municipal Board, before giving its approval under this paragraph, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the local municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Municipal Board may appear necessary or expedient and the Municipal Board may order the amendment of any official plan or of any by-law passed under section 35 of *The Planning Act* to permit the use of the land for the purposes for which it is to be acquired. 1968, c. 76, s. 21 (5).

R.S.O. 1970,
c. 349

Special rate
for cost

78. For the collection, removal and disposal by the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

No land
exempt

- (a) Subject to clauses *c* and *d*, no land is exempt from the special rate, notwithstanding anything to the contrary in any general or special Act or in any by-law.

Recovery
of special
rate

- (b) The special rate may be collected or recovered in the manner provided by section 469.

Special
rate on
churches

- (c) In the case of a place of worship, the council may by by-law provide that the special rate shall be imposed upon the land according to its assessed value exclusive of the assessed value of the buildings.

Rate on
all rateable
property

- (d) A special rate to defray the expense of such collection, removal and disposal may be levied on all the rateable property in the municipality or the defined areas. R.S.O. 1960, c. 249, s. 379 (1), par. 77; 1961-62, c. 86, s. 42 (5, 6).

Monthly
rates

79. For charging the owners, householders or occupants of any building in the municipality a monthly rate in lieu of the special rate for such collection, removal and disposal of ashes, garbage or

other refuse and for providing that the monthly rate may be collected or recovered in the manner provided by section 469 and for the exemption of any class of land owners, householders or occupants from the monthly rate. R.S.O. 1960, c. 249, s. 379 (1), par. 78.

80. For regulating and inspecting the construction and erection of scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding. R.S.O. 1960, c. 249, s. 379 (1), par. 79; 1960-61, c. 59, s. 15 (3).

Construction
of
scaffolding,
etc.

81. For regulating and controlling the excavating of trenches and persons doing work in connection therewith and prescribing requirements in respect of the excavating and use of trenches for the protection of persons working therein; and for requiring the submission of plans of trenches and of the shoring and timbering thereof and for charging fees for the inspection and approval of such plans, and for providing for the issue of permits certifying to such approval without which permit no trench may be excavated and for fixing the fees for such permits and for revoking such permits.

Excavating
trenches

82. For constructing and maintaining lavatories, urinals, water closets and like conveniences, where considered requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order.

Maintaining
public con-
veniences

83. For procuring investigations and reports as to water works or water supply systems, electrical power or energy generating, transmission or distribution systems, natural or artificial gas works or supply systems, sewer, sewer systems or sewage works, or transportation systems, and may issue debentures therefor.

Investiga-
tions and
reports as to
utilities

(a) It is not necessary to procure the assent of the electors to any by-law passed under this paragraph.

(b) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor. R.S.O. 1960, c. 249, s. 379 (1), pars. 80-82.

84. Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon or, in case of failure to agree, as may be determined by arbitration.

Extension
of sewers
into adjoining
municipality

- (a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrator shall determine not only the terms and conditions upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal that is contemplated, and whether the extension or connection should be allowed to be made.

R.S.O. 1970,
c. 136

- (b) Nothing in this paragraph authorizes the making of an open drain or sewer, or affects *The Drainage Act*, or limits any of the powers conferred on townships by that Act. R.S.O. 1960, c. 249, s. 379 (1), par. 83, *amended*.

Slaughter
houses

85. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, provided that in towns, villages and townships this paragraph does not apply to the slaughter of animals for the use of the person killing them or of his family.

Trailers and Trailer Camps

Trailers

86. For prohibiting the use, and for prohibiting the owner or lessee of any trailer from permitting the use, of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than such number of days, not less than sixty, as the by-law provides, in any period of ten consecutive months.

Interpre-
tation

- (a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

Application
of by-law

- (b) A by-law passed under this paragraph may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the by-law was passed.

Penalties

- (c) The by-law may provide for imposing penalties of not less than \$10 and not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence.

Use

- (d) For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer

is located in the municipality or the defined area or areas only for the purposes of sale or storage. R.S.O. 1960, c. 249, s. 379 (1), pars. 84, 85.

87. For licensing trailers, as defined in paragraph 86, located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor.

Licensing of trailers

- (a) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.
- (b) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month. R.S.O. 1960, c. 249, s. 379 (1), par. 86; 1968-69, c. 74, s. 19 (2).

Application of by-law

Licence fees

88. For acquiring, establishing, maintaining and operating trailer camps or trailer parks and for acquiring land for such purposes and for installing such services for the use of the occupants of the trailer camps or trailer parks as the council considers expedient and for fixing the fees to be paid by the occupants of the trailer camps or trailer parks.

Municipal trailer camps

- (a) In this paragraph, "trailer camp" or "trailer park" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.
- (b) Where a municipal corporation operates a trailer camp or trailer park, the corporation shall pay to the public school board, separate school board or secondary school board, as the case may be, for each child residing in a trailer in the trailer camp or trailer park and attending a school under the jurisdiction of the board such fees monthly as may be prescribed by the board concerned for non-resident pupils, but the fees shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year less legislative grants. R.S.O. 1960, c. 249, s. 379 (1), par. 87.

Public Bus Transportation

Bus
franchises
R.S.O. 1970,
c. 289

89. Subject to *The Municipal Franchises Act*, for entering into agreement with any person for a period not exceeding ten years for granting to such person the exclusive right to maintain and operate buses, for the conveyance of passengers in a defined area of the municipality, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper.

R.S.O. 1970,
c. 392

- (a) The agreement may provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.
- (b) The defined area shall not include any part of the municipality covered by an agreement to which the corporation is a party respecting the furnishing of transportation facilities for passengers.
- (c) The agreement does not affect a licence granted under *The Public Vehicles Act*.
- (d) The rates for fares and charges may from time to time, but only once in any year, be increased or decreased by the Municipal Board on the application of the corporation in consequence of a deficit or surplus in the operation of the service.
- (e) It is sufficient compliance with subsection 1 of section 3 of *The Municipal Franchises Act* if a by-law passed under this paragraph receives the assent of the municipal electors in the defined area. R.S.O. 1960, c. 249, s. 379 (1), par. 88; 1965, c. 77, s. 27 (3).

Public bus
transporta-
tion systems
R.S.O. 1970,
cc. 392, 202

90. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, for acquiring, establishing, maintaining and operating a public bus transportation system within the municipality and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, which by-laws, without limiting the generality of the foregoing, may provide,

- i. that the right to maintain and operate buses for the conveyance of passengers within the municipality is exclusive as against all other persons, but such right does not affect the right of any public, separate or secondary school board or board of education to provide transportation for pupils,
- ii. for the acquisition, by purchase or otherwise, of the bus transportation facilities and equipment of any person operating buses for the conveyance of passengers within the municipality,
- iii. for the acquisition, by purchase or otherwise, of any real or personal property required for the establishment, operation, maintenance or extension of the system,

- iv. for the transportation and conveyance of passengers throughout Ontario, whether by chartered trips or otherwise,
- v. for fixing transportation fares and tolls and making regulations with respect to the operation and control of the system, and
- vi. for entering into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the municipality in such adjoining municipality. 1960-61, c. 59, s. 15 (4), *part*.

Highways and Sidewalks

91. For prohibiting or regulating coasting or tobogganing on the highways. Coasting and tobogganing

92. For prohibiting children from riding on the platforms of cars, or riding behind or getting on wagons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes. Prohibiting children from riding behind wagons, etc.

93. For allowing any person owning or occupying any building or other erection that by inadvertence has been wholly or partially erected upon any highway to maintain and use such erection thereon and for fixing such annual fee or charge as the council considers reasonable for such owner or occupant to pay for such privilege. Buildings encroaching on highway

- (a) Such fee or charge forms a charge upon the land used in connection therewith and is payable and payment of it may be enforced in like manner as taxes are payable and the payment of them may be enforced, but nothing herein affects or limits the liability of the municipality for all damages sustained by any person by reason of any such erection upon a highway.

94. For permitting the use of a portion of any highway or boulevard by the owner or occupant of land adjoining such highway or boulevard during building operations upon such land for the storage of materials for such building or for the erection of hoardings; for fixing and collecting a fee or charge for such use according to the area occupied and the length of time of such occupation, and for regulating the placing of such materials or hoardings, the restoration of such highway or boulevard to its original condition, the payment of such fee or charge, and the giving of permits for such privilege. Use of highway or boulevard during building operations

95. For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at a height of not less than eight feet above the grade thereof established by the corporation. R.S.O. 1960, c. 249, s. 379 (1), pars. 89-93. Projections

Encroachment on highway for refacing

96. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

- (a) A by-law permitting an encroachment or further encroachment of more than four inches from the limit of the highway does not take effect until it has been approved by the Department. 1962-63, c. 87, s. 16 (4).

Making the boundaries of and naming streets, etc.

97. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

Proceedings for changing names of streets

- (a) A by-law for changing the name of a highway does not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in *The Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.
- (e) If the judge approves of the change, he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of registration.

Laying of poles, wires, pipes or conduits on street
R.S.O. 1970,
c. 289

98. For regulating and, subject to *The Municipal Franchises Act* and on such terms and conditions as the council considers expedient, for authorizing the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity across or along any highway or public place, or permitting any person supplying electricity for light, heat or power to lay down pipes or conduits

for enclosing wires for the transmission of electricity under any highway or public place, provided that a by-law shall not be passed under this paragraph in violation of any agreement of the corporation.

99. Subject to *The Power Commission Act*, for constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose across or along, any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon. R.S.O. 1960, c. 249, s. 379 (1), pars. 95-97. Laying pipes or conduits for electric wires
R.S.O. 1970, c. 354

100. For authorizing any person supplying steam for heat or power or supplying cooling energy to lay down pipes or conduits for transmitting steam or cooling energy under the highways or public squares, on such terms and conditions as the council considers expedient. Transmitting steam or cooling energy under highways

- (a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation. R.S.O. 1960, c. 249, s. 379 (1), par. 98; 1970, c. 135, s. 7 (5).

101. Notwithstanding the other provisions of this Act or any other general or special Act but subject to *The Power Commission Act* and *The Public Utilities Act*, for authorizing and regulating, Transmission poles, wires, etc.
R.S.O. 1970, cc. 354, 390

- i. the erection and maintenance upon, across or along any highway or public place of poles, towers, wires, cables, amplifiers and other accessory equipment, and the construction and laying down of pipes, ducts and conduits for enclosing wires, cables, amplifiers and other accessory equipment, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programs or parts thereof, and television programs or parts thereof, and
- ii. the placing and maintenance of such equipment upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes, ducts and conduits.

- (a) For the purposes of this paragraph, "body" means The Hydro-Electric Power Commission of Ontario in respect of its works and a local board, as defined in *The Department of Municipal Affairs Act*, in respect of its works. R.S.O. 1970, c. 118

- (b) A by-law passed under this paragraph may be in respect of the whole of the municipality or a defined area or defined areas thereof, and any such area may be enlarged, reduced, dissolved or amalgamated at the discretion of the council and section 15 does not apply.
- (c) Nothing in this paragraph authorizes the granting of an exclusive franchise or the establishment of a monopoly.

Water and
gas pipes
in highways
R.S.O. 1970,
c. 289

102. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across any highway under the jurisdiction of the council.

Driving,
etc., upon
sidewalks

103. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor.

Spitting on
sidewalks,
in public
buildings,
etc.

104. For prohibiting spitting on sidewalks and pavements, and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances and in such other public places as may be designated in the by-law.

Use of
highways
to solicit
business

105. For prohibiting persons from soliciting or importuning, on a highway or in a public place, others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

Telephone
booths

106. For authorizing the erection of public telephone booths upon the highways or lands of the municipality upon such terms and conditions as may be agreed upon; and for making such annual or other charge for the privilege conferred as the council considers reasonable. R.S.O. 1960, c. 249, s. 379 (1), pars. 99-104.

Regulating
traffic
R.S.O. 1970,
c. 202

107. Subject to *The Highway Traffic Act*, for regulating traffic on the highways and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places specified in the by-law, and for prohibiting traffic in any but one direction in highways that, in the opinion of the council, are too narrow for the passing of one vehicle by another or in which, in the opinion of the council, it is desirable that traffic should be limited to one direction.

Expedition
procedures
authorized
for parking,
standing or
stopping
offences

- (a) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contra-

vened, and, if payment is not made in accordance with the procedure, subsection 2 of section 466 applies. R.S.O. 1960, c. 249, s. 379 (1), par. 105; 1966, c. 93, s. 23 (5).

108. For prohibiting the driving of a vehicle in a race and the driving of a vehicle at a speed in excess of 15 miles per hour on privately-owned parking lots upon which the public is invited to park vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking vehicles.

Racing and speeding on parking lots

- (a) In this paragraph, "vehicle" means a vehicle as defined in *The Highway Traffic Act*. R.S.O. 1970, c. 202
- (b) A by-law passed under this paragraph applies only to parking lots in respect of which the owner has filed with the clerk of the corporation written consent to the application of the by-law to his particular parking lot.
- (c) No such by-law is effective in respect of a parking lot unless there is erected at each entrance thereto a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles. 1965, c. 77, s. 27 (4).

109. Subject to *The Highway Traffic Act*, for designating any highway or highways having a width of 14 feet or less and for prohibiting the driving of vehicles having greater widths than those prescribed in the by-law on such highway or highways.

Limiting width of vehicles on certain highways

- (a) No such by-law is effective in respect of a highway so designated unless there is erected at each entrance thereto a sign clearly indicating the limitation on the width of vehicles permitted on such highway. 1966, c. 93, s. 23 (6).

110. Subject to the approval of the Minister of Transport, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified.

Pedestrian ways or malls

111. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon. R.S.O. 1960, c. 249, s. 379, (1), pars. 106, 107.

Safety zones

112. For prohibiting the parking or leaving of motor vehicles on private property without authority from the owner or occupant of such property or on property of the municipality or any local board thereof where parking by the public is not authorized and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner thereof.

Prohibiting unauthorized parking on private or municipal property

R.S.O. 1970,
c. 202

- (a) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.
- (b) Subsection 13 of section 116 of *The Highway Traffic Act* applies to a by-law passed under this paragraph.
- (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.
- (d) The driver or owner of a motor vehicle parked or left on private property is not liable to a penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the occupant or any adult resident of the property. R.S.O. 1960, c. 249, s. 379 (1), par. 108; 1968, c. 76, s. 21 (6).

Licensing
users of
wheeled
vehicles

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any kind or class thereof other than a motor vehicle and a trailer as defined in *The Highway Traffic Act* to obtain a licence therefor before using it upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Nuisances, Signs, etc.

Gas works,
distilleries,
etc.

114. For prohibiting or regulating the erection or continuance of gas works, tanneries or distilleries or other manufactories or trades that, in the opinion of the council, may prove to be or may cause nuisances.

Noxious
manufac-
tures and
trades

115. For regulating manufactures and trades that in the opinion of the council may prove to be or may cause nuisances. R.S.O. 1960, c. 249, s. 379 (1), pars. 109-111.

Control of
land used
for disposal
of refuse

116. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

- (a) A by-law under this paragraph,
 - (i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,

- (ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,
 - (iii) may define industrial or domestic waste.
- (b) A by-law under this paragraph does not apply to the use of any land or structure by a municipality. R.S.O. 1960, c. 249, s. 379 (1), par. 112; 1968, c. 76, s. 21 (7).

117. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal. R.S.O. 1960, c. 249, s. 379 (1), par. 113.

Storing
motor
vehicles for
salvage

118. For prohibiting or regulating, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants. 1967, c. 55, s. 16 (4).

Noise

119. For licensing, regulating and governing the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto.

P.A.
systems
etc.

120. For prohibiting and abating public nuisances.

Nuisances

121. For prohibiting the hauling of dead horses, offal, night soil or any other offensive matter or thing along any highway during the hours of daylight.

Hauling
dead horses,
etc., through
the streets
in daylight

122. For prohibiting the carrying on or operation of a pit or quarry in any area in which the use of land is restricted to residential or commercial use by a by-law passed, or an official plan adopted, before the 1st day of January, 1959, provided no by-law passed under this paragraph shall come into force until approved by the Municipal Board or shall apply to a pit or quarry made or established before the 1st day of January, 1959, except to prohibit the enlargement or extension of any such pit or quarry beyond the limits of the land owned and used in connection therewith on the 1st day of January, 1959.

Operation
of pits
and
quarries

123. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within 300 feet of a road and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and the area within 300 feet of their edge or rim so that they will not be dangerous or unsightly to the public.

Pits and
quarries

Location of
stables,
garages, etc.

124. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

Indecent
placards,
etc.

125. For prohibiting the posting or exhibition of placards, play bills, posters, writing or pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place. R.S.O. 1960, c. 249, s. 379 (1), pars. 115-121.

Signs

126. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this paragraph may provide that a sign or other advertising device that on the day the by-law comes into force does not comply with the by-law, shall be,

(a) made to comply with the by-law; or

(b) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of three years from the day the by-law comes into force. 1970, c. 135, s. 7 (6).

Attaching
of things
to property
of public
utility

127. For prohibiting or regulating the nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in subclause ii of clause *a* of paragraph 64 of section 352.

Pulling
down of
signs and
notices

128. For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed.

Control of
sewage

129. For prohibiting and regulating the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.

Trades and Businesses

Fixing time
for delivery
of coal

130. For requiring every dealer in coal who takes orders for coal for future delivery, and accepts payment in full or on account of such order, to deliver to the purchaser the coal so ordered within the time or times fixed by the by-law.

Public
garages,
licensing, etc.

131. For licensing and regulating the owners or operators of public garages, and for fixing the fees for such licences, and for revoking such licences, and for imposing penalties for breaches of such by-law and for the collection thereof.

(a) For the purpose of this paragraph, a public garage includes an automobile service station as defined in

clause *a* of paragraph 132, a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles.

132. For licensing, regulating and governing the owners or keepers of automobile service stations located or erected since the 25th day of June, 1928, within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations was on the said date or at any time thereafter prohibited by a by-law, and for fixing a fee not exceeding \$10 for such licence, and for providing that a licence shall not be granted to any person as an owner of a public garage located or erected within any such area or on any such land notwithstanding that prior to the passing of this section any such person may have been granted a licence as the owner of a public garage.

Automobile
service
stations
in restricted
areas

- (a) For the purposes of this paragraph, an automobile service station means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.
- (b) No person owning or keeping an automobile service station licensed under this paragraph shall use or permit it to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or, except in an enclosed building, for washing motor vehicles, or for vulcanizing tires or tubes or for exhibiting for sale any accessories mentioned in clause *a* except in an enclosed building, or for exhibiting the same for sale in any display window, or for performing therein any repairs to motor vehicles other than those mentioned in clause *a*, or for storing and keeping for sale any article, accessory or merchandise of any kind other than those expressly mentioned in clause *a* hereof, and it is the duty of such owner or keeper to prevent the use of an automobile service station for any such prohibited purpose.
- (c) The owner or keeper of an automobile service station guilty of any infraction of any of the provisions of clause *b* is subject to the penalties set forth in the by-law permitting the location or erection thereof or the licensing of the same as for an infraction of such by-law.

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(d) Nothing in this paragraph shall be deemed to authorize the location or erection of any automobile service station contrary to any by-law in force under section 35 of *The Planning Act* or a predecessor of such section.

(e) A licence may be required under this paragraph in addition to a licence under paragraph 131. R.S.O. 1960, c. 24, s. 379 (1), pars. 123-128.

Limitation
of number
of garages,
etc.

133. For limiting the number of public garages and automobile service stations where gasoline is stored or kept for sale. R.S.O. 1960, c. 249, s. 379 (1), par. 129.

Car washes

134. For licensing, regulating and governing the owners or operators of car washes, and for revoking such licences.

(a) For the purpose of this paragraph, a car wash means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge.

(b) This paragraph does not apply to an owner or operator licensed under a by-law passed under paragraph 131 or 132. 1965, c. 77, s. 27 (5).

Heating and
cooking
equipment

135. For regulating, controlling and inspecting heating and cooking appliances, or any classes thereof, the installation thereof and the storage of fuel for use in connection therewith.

Persons
installing
heating
equipment

136. For licensing, regulating and governing persons engaged in the installation of hot air, hot water and steam heating equipment of any kind.

Adoption of
codes and
standards

137. For the purposes of any by-law passed under paragraph 135 or 136, or paragraph 6 of section 38 of *The Planning Act*, for adopting by reference to the Ontario Regulations as amended from time to time the codes and standards or the parts thereof as adopted and changed by the Ontario Energy Board by regulation under *The Ontario Energy Board Act*.

R.S.O. 1970,
cc. 349, 312

Lending
libraries

138. For licensing, regulating and governing lending libraries that are carried on or operated for the purpose of profit or gain.

(a) The fee to be paid for the licence shall not exceed \$2.

(b) Nothing in this paragraph applies to or affects the lending or circulation of books, magazines, periodicals or other printed works by any religious body or incorporated educational institution. R.S.O. 1960, c. 249, s. 379 (1), pars. 130-133.

Licensing
and
regulating
self-service
laundries,
etc.

139. For regulating and governing laundretorias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any such services or machines, and for revoking such licences. 1962-63, c. 87, s. 16 (5).

Special Provisions re Townships

(2) A by-law passed by the council of a township under paragraph 24 or any of paragraphs 33 to 44 of subsection 1 may be made applicable to the township or one or more defined areas thereof as set out in the by-law. R.S.O. 1960, c. 249, s. 379 (2); 1962-63, c. 87, s. 16 (6). Certain by-laws of townships

(3) A by-law passed by the council of a township under paragraph 82 of subsection 1 may provide that the expenses mentioned in the paragraph shall be defrayed by a special rate upon the rateable property in the whole township or in one or more defined areas thereof as set out in the by-law. R.S.O. 1960, c. 249, s. 379 (3). Idem

355.—(1) In this section and in any by-law passed thereunder, Interpretation

(a) “closed” means not open for the serving of any customer;

(b) “shop” means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers’ shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house. 1961-62, c. 86, s. 43, *part*.

(2) Where two or more classes of trades are carried on in a shop and at least 70 per cent of the total gross sales of the shop is derived from one trade, such trade is the principal trade carried on in the shop, and the class of such shop shall be determined in relation to such principal trade. Principal trade

(3) Where it is alleged that any person has contravened in any month any provision of a by-law passed under this section, the total gross sales of the shop for the purpose of determining the principal trade, if any, carried on therein is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding twelve months, and, if the shop has been in operation for less than twelve months, is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding month or months in which the shop was operated. 1965, c. 77, s. 28 (1), *part*. Gross sales

(4) Nothing in this section or in a by-law passed under it renders unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of such customers during their continuance therein. Exception as to customers entering before closing hour

By-law
determining
hours of
closing

(5) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on each or any day of the week at and during any time or hours between 6 o'clock in the afternoon of any day and 5 o'clock in the forenoon of the next following day.

Closing of
shops for
weekly
half-
holiday

(6) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during any time or hours between 12.30 o'clock in the afternoon and 5 o'clock in the forenoon of the next following day.

Closing of
shops for
weekly
holiday

(7) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during the whole of such day and until 5 o'clock in the forenoon of the next following day. 1961-62, c. 86, s. 43, *part*.

Closing of
shops on
holidays

(8) The council of a city, town or village may by by-law require that all or any class or classes of shops in the municipality shall be closed and remain closed on all or any of the following days:

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c. 225

1. Any holiday as defined in *The Interpretation Act*.
2. Boxing Day.
3. Any day proclaimed by the head of the council of a local municipality as a civic holiday. 1965, c. 77, s. 28 (1), *part*.

Powers of
township
councils

(9) The council of every township has, with respect to any part of the township designated in the by-law, all the rights and powers conferred by this section on the council of a city, town or village and may pass by-laws that apply only to the part of the township so designated.

Commence-
ment and
publication
of by-laws

(10) A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing and shall before that date be published in such manner as to the council passing the by-law appears best fitted to ensure the publicity thereof. 1961-62, c. 86, s. 43, *part*.

Closing of
shops in
which
several
trades
carried on

(11) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours and days during which the shop is by any such by-law required to be closed for the purpose of any one of such trades, unless it is shown by the occupier or other person having control of the opening and closing of such shop that, by reason of the principal trade being carried on in such shop, the shop is one of a class of shops that by the by-law is not required to be closed. 1965, c. 77, s. 28 (2).

(12) A pharmaceutical chemist or druggist is not, nor is an occupier of or person employed in or about a shop in a village or township, liable to any penalty under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops, but nothing in this subsection authorizes a person to keep open shop after that hour.

Exception
as to sales
by
druggists

(13) Nothing in any such by-law renders the occupier of a premises liable to any penalty for supplying an article to a person lodging in such premises, or for supplying an article required for immediate use by reason of an emergency arising from sickness, ailment or death, or for supplying or selling an article to a person for use on or in or about or with respect to a steamboat or sailing vessel that at the time of such supplying or selling is either in or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to a person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel, but nothing in this subsection authorizes a person to keep open shop after the hour appointed by such by-law for the closing of shops.

Supplying
articles to
lodgers, etc.

(14) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

By-laws
containing
different
provisions
for different
localities

(15) Where an offence for which the occupier of a shop is liable under any such by-law to a penalty has in fact been committed by some agent or servant of the occupier, such agent or servant is liable to the same penalty as if he were the occupier.

Agent or
servant
liable to
penalty

(16) Where the occupier of a shop is charged with an offence against any such by-law, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before a provincial judge at the time appointed for hearing the charge, and, if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the provincial judge that he used due diligence to enforce the execution of the provisions of the by-law and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and is liable to the same penalty or punishment as if he were the occupier, and the occupier is exempt from any penalty.

Exemption
of occupier
on conviction
of actual
offender

(17) A council may amend or repeal any by-law, except a by-law relating to retail gasoline service stations passed on the application of not less than three-quarters in number of the occupiers of such service stations, passed under any predecessor of

Repeal of
by-law

this section, whether or not such by-law was required to be passed upon the application of any number of occupiers of shops in the municipality.

Idem

(18) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of retail gasoline service stations to which a by-law passed upon the application of not less than three-quarters in number of the occupiers of such service stations relates are opposed to the continuance of the by-law, the council may repeal it, or may repeal it in so far as it affects such retail gasoline service stations. 1961-62, c. 86, s. 43, *part*.

When daylight saving time in effect

(19) A by-law passed by the council of a municipality under this section may provide that, so long as the time commonly observed in the municipality is one hour in advance of standard time, the times mentioned in this section and in the by-law shall be reckoned in accordance with the time so commonly observed and not standard time. 1964, c. 68, s. 10.

Form of by-law

(20) Any by-law passed under this section may require all classes of shops to close during certain hours or days, or both, and may exempt therefrom any class or classes of shops. 1965, c. 77, s. 28 (3).

Fines

(21) Notwithstanding section 466, a by-law passed under this section may provide for imposing fines of not more than \$5,000, exclusive of costs, on every person who contravenes such by-law.

Recovery
R.S.O. 1970,
c. 450

(22) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that the imprisonment may be for a term of not more than one year for the breach of such a by-law. 1966, c. 93, s. 24.

Retail gasoline outlets

R.S.O. 1970,
c. 221

356. In addition to any matter authorized by section 355, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,

- (a) provide that the by-law shall apply only in the part or parts of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between 6 o'clock in the afternoon of any day and 7 o'clock in the forenoon of the next following day and between 6 o'clock in the afternoon of Saturday and 7 o'clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding

ing the by-law, during the part or parts of the day or days specified in the permit. 1961-62, c. 86, s. 43, *part*.

357.—(1) In this section, “hotel” means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as “boarding houses” or of furnishing living quarters for families and having a dining-room or restaurant commonly known as “apartment houses” or “private hotels”. Interpretation

(2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conducting of an ice-cream parlour, restaurant or cafe, the keeper of a hotel shall not be required, Sale of soft drinks, etc.

(a) to obtain any licence issued by a municipal authority; or

(b) to comply with any by-law relating to early closing. 1961-62, c. 86, s. 43, *part*.

358. By-laws passed under section 355, 356 or 357 do not apply to service centres established on controlled-access highways under agreement with the Minister of Highways. 1965, c. 77, s. 29, *part*. Application of closing by-laws to service centres

359.—(1) With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose upon the owners of such buildings a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity. 1965, c. 77, s. 29, *part*. Special charges to provide additional sewer or water supply capacity

(2) The special charge or charges under any by-law shall refer specifically to sewage works or water works as defined in section 362, or to both, as the case may be. 1966, c. 93, s. 25. Charges to refer to specific works

(3) The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 308. 1965, c. 77, s. 29, *part*. Application of proceeds

(4) The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is Charges a lien on land

erected, and may be collected in the same manner and with the same remedies as provided by this Act for the collection of real property taxes. 1965, c. 77, s. 29, *part*; 1968-69, c. 74, s. 20.

When
charges may
be made
payable

(5) Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.

Exemptions

(6) The following are exempt from any charge or charges imposed under the by-law:

1. Every building on land exempt from taxation under any general or special Act.
2. Every building on land in respect of which an agreement has been entered into with the municipality under section 33 of *The Planning Act* or any predecessor thereof.
3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.
4. Every residential building having not more than two dwelling units.
5. Every building, other than a residential building, with an inside floor area of not more than 3,000 square feet. 1965, c. 77, s. 29, *part*.

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c. 349

360. By-laws may be passed by the councils of local municipalities:

Water
canals in
subdivisions

1. For accepting a conveyance of lands in a registered plan of subdivision used or intended to be used for or in connection with water canals and, when such lands have been conveyed, for cleaning, dredging and maintaining such canals, and providing and maintaining equipment for the circulation of water in them, and for defining an area and providing that the cost of such cleaning, dredging, maintenance and equipment and maintenance thereof shall be levied on the rateable property in the area, and the by-law may provide that the whole or part of such cost shall be assessed upon the lots abutting on such canals according to the frontage thereof, and, where only part of such cost is assessed on the lots abutting such canals, the balance of the cost shall be assessed and levied on the rateable property in the area.

Regulating
use

2. For regulating and governing the use of water canals and for limiting the speed at which any boat or other vessel may travel in such canals.

3. For permitting the owners or lessees of lots abutting water canals conveyed to the municipality to construct, maintain and use docks or slips in such canals and for making such annual or other charge for the privilege conferred by the by-law as the council considers reasonable, and for providing that, upon the termination of such privilege, the canal shall be restored to its former condition at the expense of the owner or lessee of the land to which the privilege is appurtenant by removing the dock or slip or otherwise as may be required by the by-law.

Docks and
slips

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the water canal to its former condition is payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.
- (b) The corporation is not liable for damages that may result from the construction, maintenance and use of any such dock or slip. 1966, c. 93, s. 26.

361.—(1) The council of a local municipality may pass by-laws designating an area as an improvement area and may by by-law establish for any such area so designated a Board of Management to which may be entrusted, subject to such limitations as the by-law may provide, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.

Improvement area
may be
designated
by by-law

(2) Before passing a by-law designating an improvement area, notice of the intention of the council to pass the by-law shall be sent by prepaid mail to every person occupying or using land for the purpose of or in connection with any business in the area who is shown in the last revised assessment roll of the municipality as being assessed for business assessment within the meaning of *The Assessment Act*.

Notice of
intention

R.S.O. 1970,
c. 32

(3) Unless a petition objecting to the passing of the by-law referred to in subsection 2, signed by at least one-third of the persons entitled to notice as set out in subsection 2, representing at least one-third of the assessed value of the lands in the area that is used as the basis for computing business assessment, is received by the clerk within two months next following the latest day of the mailing of any such notices, the council may pass the by-law, but, if such a petition is received by the clerk within such time, the council shall not pass the by-law.

Petition
objecting
to by-law

(4) The sufficiency of the petition described in this section shall be determined by the clerk and his determination shall be evidenced by his certificate and when so evidenced is final and conclusive.

Sufficiency
of petition
determined
by clerk

Effect of
petition
objecting
to by-law

(5) Where the council has proceeded under this section and has been prevented from passing the proposed by-law by reason of a petition objecting thereto having been presented under subsection 3, the council may again proceed under this section in respect of the area to be designated by any such by-law at any time after the expiry of the two years next following the presentation of the petition.

Board of
Management

(6) A Board of Management established under subsection 1 is a body corporate and shall consist of not fewer than three and not more than seven members appointed by council, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area.

Term of
office

(7) Each member shall hold office for a period of one year from the time of appointment, provided he continues to be qualified as provided in subsection 6.

Vacancy

(8) Where a vacancy occurs from any cause, the council shall appoint a person qualified as set out in subsection 6 to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Idem

(9) The members shall hold office until their successors are appointed and are eligible for reappointment on the expiration of their term of office.

Estimates

(10) A Board of Management established under subsection 1 shall submit to the council its estimates for the current year at the time and in the form prescribed by council and may make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to rejecting such estimates in whole or in part or providing the money for the purposes of the Board of Management and, when money is so provided by the council the treasurer shall, upon the certificate of the Board of Management, pay out such money to the Board of Management.

Expenditure
of moneys

(11) The Board of Management shall not expend any moneys not included in the estimates approved by the council or in a reserve fund established under section 308.

Indebtedness
not to
extend
beyond
current year

(12) A Board of Management established under subsection 1 shall not incur any indebtedness extending beyond the current year.

Annual
report

(13) On or before the 1st day of March in each year, a Board of Management shall submit its annual report for the preceding year to council, including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

(14) The municipal auditor shall be the auditor of each such Board of Management and all books, documents, transactions, minutes and accounts of a Board of Management shall, at all times, be open to his inspection. Auditor

(15) Upon the repeal of a by-law establishing a Board of Management, the Board ceases to exist and its undertakings, assets and liabilities shall be assumed by the municipality. Dissolution of Board

(16) The council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment. Special charge

(17) Any charge imposed under subsection 16 may be collected in the same manner and with the same remedies as provided by this Act for the collection of taxes upon business assessment. Manner of collection

(18) No by-law designating an improvement area comes into force without the approval of the Municipal Board and as a condition of giving its approval the Municipal Board may by its order impose such restrictions, limitations and conditions with respect to such matter as may appear necessary or expedient. Approval of O.M.B.

(19) A by-law designating an improvement area may be repealed to take effect upon the 31st day of December in the year in which it is passed, and subsections 2, 3 and 18 do not apply to a repealing by-law passed under this subsection. 1968-69, c. 74, s. 21. Repeal of by-law

362.—(1) In this section,

Interpretation

- (a) "benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of sewage works or water works, and
- (i) "immediate benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the works, and
- (ii) "deferred benefit" means the benefit that accrues upon completion of the works but which is not derived or derivable therefrom until a sewer or water main upon which the land will abut is constructed as part of the works;
- (b) "capital cost" means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account;

- (c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (d) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
- (e) "sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- (f) "sewer rate" means a charge for the capital cost of sewage works;
- (g) "water works" means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works;
- (h) "water works rate" means a charge for the capital cost of water works.

Sewer, water
works rate

(2) Subject to the approval of the Municipal Board first being obtained, the council of a local municipality, in authorizing the construction of sewage works or water works, may by by-law provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the sewage works or water works a sewer rate or a water works rate, as the case may be, sufficient to pay for the whole or such portion or percentage of the capital cost of the works as the by-law may specify, and, with the like approval, such by-law may from time to time be amended or repealed.

Special
assessment
under
R.S.O. 1970,
c. 255

(3) Where a sewer rate or water works rate is imposed under subsection 2, no part of the capital cost of the works shall be specially assessed under *The Local Improvement Act*.

Land in
respect of
which rate
imposed

(4) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate or water works rate imposed, and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

Idem

(5) The land designated under subsection 4 may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

Rate for
deferred
benefit

(6) Where a sewer rate or water works rate is imposed for a deferred benefit, it shall be changed to a rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable.

(7) A sewer rate shall be computed by any or all or any combination of the following methods: Computation of sewer rate

- (a) A foot frontage rate on the lands that receive an immediate benefit from the work.
- (b) A foot frontage rate on the lands that receive a deferred benefit from the work.
- (c) An acreage rate or rates on any or all of the lands designated under subsection 4, which rates may differ as between lands that will receive an immediate benefit and lands that will receive a deferred benefit.
- (d) A mill rate on the assessed value of the lands designated under subsection 4.
- (e) A rate on that portion of the lands designated under subsection 4 that is connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands.

(8) A water works rate shall be computed by any or all or any combination of the methods referred to in clauses *a* to *d* of subsection 7. Computation of water works rate

(9) The revenue derived in any year from a rate imposed under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the works for the capital cost of which the rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the rate. 1962-63, c. 87, s. 17, *part*. Revenue from rates

(10) Where in a local municipality there is land that has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewage works or water works except in the same manner and to the same extent as all other owners or occupants of land within the municipality or within an area established under clause *f* of paragraph 53 of subsection 1 of section 354 have been or are assessable or taxed and a sewer or water main forming part of such existing sewage works or water works is to be constructed by means of which an immediate benefit from the existing works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate or water works rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works or water works as the by-law may specify. 1962-63, c. 87, s. 17, *part*; 1964, c. 68, s. 11 (1). Sewer or water works rate for cost of existing works

(11) A rate may be imposed under subsection 10 notwithstanding that the capital cost of the existing works has in whole or in part been paid. Idem

Revenue
from rates
imposed
under
subs. 10

(12) The revenue from the sewer rate or water works rate imposed under subsection 10 if not required for payment of any part of the outstanding capital cost of the existing sewage works or water works shall be applied and used only for future capital improvements of the existing sewage works or water works, as the case may be.

Rate under
subs. 10 in
addition to
rate under
subs. 2

(13) A rate imposed under subsection 10 shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the works to be constructed to form part of the existing works. 1962-63, c. 87, s. 17, *part*.

Rate
structure

(14) The council of a local municipality for the purposes of subsections 2 and 10 may, by by-law passed with the approval of the Municipal Board,

(a) establish a sewer rate structure or a water works rate structure upon which the sewer rates or water works rates imposed under subsection 2 or 10 shall be based and calculated, and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced;

(b) provide for the exemption or partial exemption from a foot frontage rate and for the termination of such exemption or partial exemption upon,

(i) lands at the junction or intersection of streets or highways, or

(ii) lands that are triangular or irregularly shaped, or

(iii) lands, in respect of a sewer rate only, that, because of the nature of the terrain or the elevation of the sewer, do not derive the same benefit as other lands abutting on the sewer, or

(iv) lands having frontages in excess of 100 feet and used for agricultural purposes or residences in connection with such agricultural purposes,

upon a basis that is equitable and just. 1964, c. 68, s. 11 (2).

Commuta-
tion

(15) Where a by-law passed under subsection 14 provides for a frontage rate, the council may also either by general by-law or by a by-law applicable to the particular work prescribe the terms and conditions upon which persons whose lands are liable to a frontage rate may commute such frontage rate for a payment in cash. 1964, c. 68, s. 11 (3).

(16) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use sewage works a sewage service rate. Sewage service rate

(17) A sewage service rate may be imposed under subsection 16 notwithstanding that, Idem

- (a) a sewer rate has also been imposed with respect to the capital cost of the same works; and
- (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act. R.S.O. 1970, c. 255

(18) The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just. Sewage service rate structure

(19) The council of a local municipality may by by-law establish systems for, Collection of rates

- (a) fixing times, periods and frequencies at and for which sewer rates or water works rates imposed under subsection 2 or 10 and sewage service rates imposed under subsection 16 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing.

(20) The council of a local municipality may by by-law require any public utilities commission or local board that supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in clause e of subsection 7. Idem

(21) A sewer rate or water works rate imposed under subsection 2 or 10 and a sewage service rate imposed under subsection 16 upon any owner or occupant of land is a lien and charge upon the land, and, if the rate or any part thereof remains unpaid after due Rates a charge on land

date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupants, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable. 1962-63, c. 87, s. 17, *part*.

Liability of
school
boards

R.S.O. 1970,
cc. 424, 32

(22) The board of an elementary school or secondary school as defined in *The Schools Administration Act* is liable to a sewer rate or a water works rate imposed under subsection 2 or 10 and to a sewage service rate imposed under subsection 16, notwithstanding the provisions of *The Assessment Act*. 1968-69, c. 74, s. 22.

363. By-laws may be passed by the councils of urban municipalities:

Inspection
of bathing
and boat
houses

Requiring
changes
in structure
of buildings

1. For inspecting public bathing houses and boat houses or premises wholly or partly used for boat-house purposes.

2. For requiring the owner or occupant of any building to make such changes in its structure and to strengthen its walls, supports and floors as may be required by the architect or other officer named in the by-law when, in the opinion of the architect or such officer, the building is being used for any purpose for which it is structurally unsuited or which renders it dangerous, and requiring a permit from the architect or such other officer for such use after such changes have been made as he may direct, and prohibiting the use of any building that in the opinion of the architect or other officer is dangerous, without his sanction and approval.

Stands for
vehicles

3. For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles and other vehicles kept for hire; but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land.

Acquiring
land in an-
other munic-
ipality for
drainage
purposes

4. For acquiring, with the consent of the council thereof, land in any other municipality required for preventing such urban municipality or any part of it from being flooded by surface or other water flowing from such other municipality, or for an outlet for such water; and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired.

Site for
drill-shed
or armoury

5. For acquiring land in the municipality for a drill-shed or armoury for any militia or volunteer corps having its headquarters in the municipality. R.S.O. 1960, c. 249, s. 381, pars. 1-5.

6. For providing medals or rewards for persons who distinguish themselves at fires, and for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the corporation as fire fighters.

Rewards to fire fighters and persons distinguishing themselves at fires

7. For regulating the use of tickets, checks or coupons by vendors of or dealers in milk, bread or other articles of food.

Milk and bread tickets

8. For prohibiting any person driving or in charge of a motor vehicle, other than a commercial motor vehicle, from allowing such motor vehicle to stand unattended unless it is locked in such a manner as to prevent its operation by any person not authorized by the owner, driver or person in charge.

Unlocked motor vehicles

- (a) In this paragraph, "motor vehicle" and "commercial motor vehicle" mean "motor vehicle" and "commercial motor vehicle" as defined in *The Highway Traffic Act*.
- (b) Any person who contravenes the provisions of such a by-law is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$10.

R.S.O. 1970, c. 202

9. For numbering the buildings and lots along the highways and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building or lot, provided that such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Numbering houses, etc.

10. For keeping, and every such council shall keep, a record of the highways and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.

Record of streets, numbers, etc.

11. For empowering officers of the municipality, upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons that are causing annoyance to the owner or occupant or damages to such premises.

Strayed pigeons

12. For requiring vacant lots to be properly enclosed.

Vacant lots

13. For employing and paying one or more watchmen to patrol at night, or between certain hours of the night, any highway or

Appointment of night watchmen

part of a highway to be defined by the by-law and to guard and protect property, and for levying and collecting in the same manner and at the same time as taxes are levied and collected, by special rate, according to its assessed value, upon the land abutting on such highway or part of a highway within the limits defined by the by-law, except vacant lots, the expenses of or incidental to the employment of such night watchmen.

Petition by
ratepayers

(a) The by-law shall not be passed except upon petition of two-thirds of the assessed owners and tenants of the land liable to be charged with the expenses, representing at least two-thirds of the assessed value of such land.

Proof of
signatures

(b) A petition shall not be acted on unless the signatures to it, and that the contents of it were made known to each person before signature, are proved by affidavit.

Liability
of tenant

(c) As between the landlord and tenant, in the absence of any express agreement to the contrary, the tenant is liable for the expenses for the period of his occupation.

When owner
not to
petition

(d) When land is occupied by a tenant, the owner is not entitled to petition.

Water
tanks and
towers

14. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of them contrary to such regulations.

Window
cleaners

15. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used. R.S.O. 1960, c. 249, s. 381, pars. 7-16.

Market
by-laws

364. Subject to section 365, by-laws may be passed by the councils of urban municipalities and of townships having a population of not less than 10,000 and of townships bordering on a city having a population of not less than 100,000:

Establishing
markets

1. For establishing, maintaining and regulating markets.

Regulating
vending in
streets, etc.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Sale of
grain, meat,
farm pro-
duce, small-
wares, etc.

3. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw and other fodder, wood, lumber, shingles, farm produce, smallwares and all other articles exposed for sale, and prescribing the fees to be paid therefor.

Criers and
vendors of
smallwares

4. For prohibiting criers and vendors of smallwares from practising their calling in the market place, or on the highways, or on vacant lots adjacent to the market place or to a highway.

5. For prohibiting the forestalling, regrating or monopoly, of grain, wood, meat, fish, fruit, roots, vegetables, poultry, dairy products, eggs and all articles for family use, that are usually sold in the market, and for prohibiting or regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, or by persons who directly or indirectly purchase or acquire them for resale, provided that farmers and other producers may nevertheless sell such things at stores and shops at any time.

Prohibiting
forestalling,
etc.

hucksters,
etc.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal, coke, oil or other fuel.

Measuring,
etc., certain
articles

(a) A by-law passed by a municipality under this paragraph may be made applicable to the measuring or weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits.

Weighing of
fuel for
delivery
beyond
municipal
limits

(b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after it is weighed or measured in accordance with the by-law, and the by-law may require that the amount so specified and the ticket shall be delivered to the purchaser.

Ticket
showing
weight
required

7. For regulating vehicles, vessels and other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid.

Regulating
vehicles used
in market
vending

8. For selling, after six hours notice, butchers' meat distrained for rent of a market stall.

Sale of meat
distrained

9. For purchasing, leasing, erecting, maintaining and operating weighing machines and weigh-houses, for appointing weigh-masters and for prescribing their duties.

Purchasing
weighing
machines,
etc.

10. For imposing, levying and collecting fees for the use of such weighing machines.

Fees

11. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board, for requiring all persons who, after a sale thereof, deliver coal or coke within the municipality, by a vehicle, from any coal yard, storehouse, coal-chute, gas house or other place, to have the weight of such vehicle and of such coal or coke ascertained prior to delivery, by a weighing machine established as provided by paragraph 9, to furnish the weigh-master in charge of such weighing machine with, and to surrender to each purchaser, at the time of delivery, a weigh-ticket upon which has been printed or written a description and grade of the coal or coke, the

Weighing
of coal
and coke

name and address of the vendor, and the name of the purchaser, and to have such weigh-ticket dated and signed by such weigh-master and to have him enter thereon the weight of such coal or coke.

Vendor
bound

- (a) Every vendor of coal or coke with respect to which a weigh-ticket has been issued is bound thereby and is not entitled to demand, collect or recover from the purchaser the price of any greater quantity of coal or coke than that shown on such weigh-ticket.

Offence

- (b) Every such vendor who demands, collects or receives from a purchaser the price of any greater quantity of coal or coke than that shown on such weigh-ticket is guilty of an offence and on summary conviction is liable to a fine of not more than \$20.

Car lots

- (c) Nothing in this paragraph authorizes a municipality to require the weighing of coal or coke sold in car lots at shippers' weights.

Measure-
ment of
wood sold
on market

12. For requiring all persons offering or exposing cordwood or firewood for sale upon the market, loaded in or upon any vehicle,

- i. to have such wood measured by a market inspector or by some other official of the municipality appointed for that purpose, who shall mark the measurement in a conspicuous place upon the load or vehicle, before the wood is offered for sale;
- ii. to procure from such inspector or official a measurement ticket signed and dated by him, upon which he has entered the quantity of cordwood or firewood loaded in or upon the vehicle, and the name and address of the vendor;
- iii. to surrender the measurement ticket to the purchaser at or before the time of delivery;
- iv. to pay such fee for measuring as may be imposed.

Measure-
ment of
wood sold
off market

13. For requiring all persons who, after a sale thereof except upon the market, deliver cordwood or firewood within the municipality by a vehicle to surrender to the purchaser thereof when making delivery a ticket signed by or on behalf of such person, upon which shall be legibly written or printed his name and address, the quantity of wood delivered from such vehicle, expressed in terms of a cord of 128 cubic feet, and the price at which the same has been sold.

Kindling,
etc.

- (a) No by-law shall require kindling wood, mill waste or mill-cuttings to be measured.

Storage of
coke

14. For requiring retail vendors of coke selling by weight to store their stock of coke so that it will not be exposed to rain, snow or water, and for prohibiting the sale of coke that is not so stored. R.S.O. 1960, c. 249, s. 382.

365.—(1) No market fee shall be imposed, levied or collected in respect of wheat, barley, rye, corn, oats, or any other grain, hay or other seed, wool, lumber, lath, shingles, cordwood or other firewood, dressed hogs, cheese, hay, straw, or other fodder, brought to market, or upon the market place, for sale or other disposal.

No market fees to be imposed on certain products

(2) No market fee shall be imposed, levied or collected in respect of butter, eggs, poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale or other disposal, unless a convenient and fit place affording shelter in summer and shelter and reasonable protection from the cold in winter, in which to expose them for sale, is provided by the corporation.

When fees may be charged on butter, etc., brought to market

(3) Where the vendor of an article brought within the municipality in pursuance of a prior contract for the sale of it proceeds directly to the place of delivery, without hawking it upon the highways or elsewhere in the municipality, no market fee shall be imposed, levied or collected in respect of it.

Fees not to be charged on articles delivered in pursuance of prior contract

(4) No market fee shall be imposed, levied or collected in respect of any article brought into the municipality after 10 o'clock in the forenoon, unless it is offered or exposed for sale upon the market place.

Articles brought into municipality after 10 a.m.

(5) No by-law shall require hay, straw or other fodder to be weighed, where neither the vendor nor the purchaser desires to have it weighed or measured.

When articles need not be weighed or measured

(6) A person who has exposed or offered for sale an article in the market place and has paid the prescribed fee, if any, in respect of it may, after 9 o'clock in the forenoon between the 1st day of April and the 1st day of November, and after 10 o'clock in the forenoon between the 1st day of November and the 1st day of April, sell such article elsewhere than in the market place.

Time after which attendance on market not required

(7) Subsection 1 does not apply to a municipality in which there is in force a by-law providing that vendors of articles, in respect of which under the provisions of paragraph 3 of section 364 a market fee may be imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of such articles at any place within the municipality, excepting only at the market place.

Subs. 1 not to apply where by-law in force allowing sale without fee except at the market

(8) Subject to subsection 2, the council of a municipality to which subsection 7 applies may by by-law provide for imposing, levying and collecting market fees from such vendors who voluntarily use the market place for selling such articles or from any person who or whose vehicle remains upon that part of a highway that is within 100 yards of the market place, for the purpose of selling any of such articles other than grain, seeds,

but such by-law may impose fees on persons voluntarily using market; and on others selling within 100 yards of market

Exception
as to sales
to persons
carrying on
business
near market

dressed hogs or wool upon such highway, but driving through or across such part of a highway does not authorize the imposition of any market fee, nor shall any market fees be imposed in respect of an article sold to a person carrying on business and having a *bona fide* store, shop or other similar place of business on such part of a highway.

Fees not to
be charged
where high-
way used
as market

(9) Where a highway is used as a market place or market, or part of a market place or market, no market fees shall be imposed, levied or collected upon articles brought to that part of the highway that is so used, but this subsection does not apply to so much of a highway as adjoins or abuts upon a market square established as a market place.

Case of
municipality
again
imposing
market fees

(10) Subsections 7 to 9 do not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 6 and 11 and 12 apply to such municipality in the event of market fees being thereafter charged or imposed therein.

Power to
regulate
sales when
no fees are
charged

(11) Nothing in subsections 1 to 10 prevents any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might have done before the 10th day of March, 1882.

(a) In this subsection, "market fees" does not include fees for weighing or measuring.

(b) After 9 o'clock in the forenoon between the 1st day of April and the 1st day of November, and after 10 o'clock in the forenoon between the 1st day of November and the 1st day of April, no person shall be compelled to remain on or resort to any market place with any articles that he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on such market place.

Inconsistent
enactments
not to apply

(12) When subsections 1 to 6 or subsections 7 to 9 are in force in any municipality, so much of any Act or law as may be contrary to, and as conflicts with such subsections, is not in force in and does not apply to such municipality.

Right to
sell or lease
market fees

(13) A corporation may sell or lease its market fees with the right to collect them. R.S.O. 1960, c. 249, s. 383.

366. By-laws may be passed by the councils of counties, cities, towns and townships:

R.S.O. 1960, c. 249, s. 384, *part*; 1960-61, c. 59, s. 17.

Grants to
universities,
colleges,
historical
societies, etc.

1. For making grants in aid of the University of Toronto or of Upper Canada College, or of any other university or college in Ontario, or of any historical, literary or scientific society.

- (a) Such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and conditions as may be agreed upon and may include supplying Upper Canada College with water from the waterworks of the City of Toronto without charge. R.S.O. 1960, c. 249, s. 384, par. 1.

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Canada, for competition among the pupils of the secondary schools in the municipality. R.S.O. 1960, c. 249, s. 384, par. 2; 1966, c. 93, s. 28 (1).

Endowing fellowships, etc., in universities and colleges

3. For granting aid to art schools approved by the Department of Education.

Aid to art schools

4. For granting aid to a society as defined in *The Training Schools Act* for the erection, establishment or equipment of a private training school, where the council is represented on the board of the society. R.S.O. 1960, c. 249, s. 384, pars. 3, 4.

Aid to private training schools
R.S.O. 1970, c. 467

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Canada, of such of the pupils of any secondary school of the municipality as are unable to incur the expense, but are desirous of and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college. R.S.O. 1960, c. 249, s. 384, par. 5; 1966, c. 93, s. 28 (2).

Supporting certain pupils at universities, colleges, etc.

6. For making similar provision for the attendance at any secondary school, for the like purpose, of pupils of public schools of the municipality. R.S.O. 1960, c. 249, s. 384, par. 6.

Similar provision for attendance at secondary schools

367. By-laws may be passed by the councils of towns, villages and townships:

1. For making grants in aid of, or to build, preserve, enlarge or improve, any secondary school in another municipality. R.S.O. 1960, c. 249, s. 385.

Grants to secondary schools

368. By-laws may be passed by the councils of cities and towns:

1. For licensing, regulating and governing laundrymen and laundry companies and for inspecting and regulating laundries.

Licensing, etc., of laundries

- (a) The by-law shall not apply to or include women carrying on a laundry business in private dwelling houses, and

employing female labour only, or to such dwelling houses.

- (b) The by-law may provide that a licence shall not be granted if it is considered that the location of the laundry is an undesirable one.

Aid to
lifeboat
associations

2. For granting aid to any organization owning, manning and working lifeboats or other apparatus for life-saving purposes.

Licensing
and regu-
lating mas-
sagists, etc.

3. For licensing, regulating and governing massagists and for inspecting and regulating massage parlours, and such by-laws may provide for the enforcement thereof through the medical health department or police department of the city or town.

Police signal
system

4. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding \$20,000 in the case of a city and \$10,000 in the case of a town, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years.

- (a) It is not necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council.

Commission
may manage
sewage
works
R.S.O. 1970,
c. 390

5. For placing the management of sewage works under a commission established under *The Public Utilities Act*, provided the by-law shall not be passed without the assent of the municipal electors.

Super-
annuation
and benefit
funds for
fire and
police force

6. For granting aid for the establishment and maintenance of superannuation and benefit funds for the members of the police force and of the fire brigade, and of other officers and employees of the corporation, and of their wives and families.

- (a) This paragraph does not apply to superannuation and benefit funds established after the 1st day of May, 1939. R.S.O. 1960, c. 249, s. 386.

369. By-laws may be passed by the councils of cities:

Public bath
premises

1. For licensing, regulating and governing owners or keepers of any class or classes of public bath premises operated for profit, and for revoking any such licence. R.S.O. 1960, c. 249, s. 387.

370. By-laws may be passed by the councils of cities having a population of not less than 300,000:

Power to
make pay-
ments on
behalf of
indigents for
dwelling
repairs

1. For providing and paying on behalf of any indigent inhabitant the cost, not exceeding \$200, of repairs necessary to make a dwelling habitable. R.S.O. 1960, c. 249, s. 388.

371. By-laws may be passed by the councils of cities having a population of not less than 50,000:

1. For the corporation becoming a member of the National Waterways Association of Canada and paying the fees for such membership and for making contributions towards the expenses of such Association and paying the expenses of delegates to any meeting of it or upon its business. Membership in National Waterways Association

2. For setting apart one or more highways or parts of highways on which horses may be ridden or driven more rapidly than is permitted upon other highways, and for regulating the use for such purpose of any such highway. Setting apart streets for fast driving

(a) If a majority of the property owners on any such street petition against such by-law, it shall be repealed.

3. For authorizing the seizing, in order to prevent their use as food, of unslaughtered cattle, sheep, calves and hogs that have died within the municipality, and for disposing of the carcasses so as not to endanger the public health, and so as to secure to the owner such value as remains over and above the expenses incurred in disposing of them. R.S.O. 1960, c. 249, s. 389. Seizure of cattle, etc., unfit for food

372. By-laws may be passed by the councils of cities and of local municipalities, other than cities, situate within ten miles of a city having a population of not less than 100,000:

R.S.O. 1960, c. 249, s. 390, *part.*

1. For licensing, regulating and governing the keepers of shops or places where animals or birds for use as pets are sold or kept for sale. R.S.O. 1960, c. 249, s. 390, par. 2. Licensing, regulating and governing pet shops

373. By-laws may be passed by the councils of counties:

1. For granting aid to any society, organization or body in the county having for its objects the promotion or protection of agriculture, education or social welfare, where no specific authority for granting such aid is contained in any statute; provided the amount of aid that may be granted under the authority of this paragraph shall not exceed in the aggregate \$5,000 in any year. Aid to agricultural and other bodies

2. For granting aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies, not in excess of the following rates for each animal: Aid for animal losses due to rabies

cattle	\$250
horses	100
goats	40
sheep	40
swine	40

Protecting
booms

3. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves. R.S.O. 1960, c. 249, s. 391, pars. 1-3.

Establish-
ment of
county farms

4. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

- (a) It is not necessary to obtain the assent of the electors to any by-law passed under this paragraph if it is passed by a vote of two-thirds of all the members of the council.
- (b) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture and Food for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Department of Agriculture and Food for such periods and upon such terms and conditions as from time to time may be agreed. R.S.O. 1960, c. 249, s. 391, par. 4, *amended*.

Fences

5. For the exercise in respect of fences along highways under the jurisdiction of the council of the powers conferred upon the councils of local municipalities by paragraph 20 of subsection 1 of section 354.

Regulating
erection of
poles, towers,
wires, etc.,
on county
roads
R.S.O. 1970,
c. 289

6. Subject to *The Municipal Franchises Act*, for permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires on, and the laying of pipes or conduits for the conveyance of water, gas or sewage under, the highways under the jurisdiction of the council. R.S.O. 1960, c. 249, s. 391, pars. 5, 6.

Sleigh
runners

7. For providing that no sleigh or other vehicle upon runners for the conveyance of articles of burden, goods, wares or merchandise shall be used by any person residing within the municipality on any of the highways within the municipality unless the runners thereof, measuring from centre to centre, are apart at the bottom at least four feet.

- (a) The by-law may exempt from its operation all sleighs or vehicles on runners owned at the time of its passing by persons resident within the municipality, and shall not come into force until the expiration of one year from the date upon which it was passed.

Refuse from
grass or
clover seed

8. For compelling the destruction or regulating the disposal of the refuse obtained in the process of cleaning grass or clover seed.

9. For purchasing supplies of any or all kinds of vegetables, seeds and seed roots and tubers and donating them to residents of the county on such terms and conditions as may be fixed by the by-law for the purpose of promoting and aiding the production of crops.

Purchase
and donation
of seeds

10. If there are gravel or macadamized highways under the jurisdiction of the council and under its immediate control, that are being kept up and repaired by municipal taxation, and upon which no toll is collected,

Regulation
of traffic
on certain
county roads

- (a) for licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used or kept for hire, and teamsters;
- (b) for regulating the fares to be charged for the conveyance of goods or passengers;
- (c) subject to *The Highway Traffic Act*, for regulating the traffic on such highways.

Licensing
livery
stables

Rates of fare

Regulating
traffic
R.S.O. 1970,
c. 202

11. For installing services in land owned by the county in any municipality situated in the county, subject to the approval of the local municipality in which the land is situated, to assist in the disposal of the land for building purposes. R.S.O. 1960, c. 249, s. 391, pars. 8-12.

Installation
of services
on county
land

12. For the exercise, in respect of property of the county, of the powers conferred upon the councils of local municipalities in respect of property of such municipalities by paragraph 112 of subsection 1 of section 354 and the provisions of such paragraph apply *mutatis mutandis*. 1968-69, c. 74, s. 23 (2).

Prohibiting
unauthorized
parking on
county
property

374. By-laws may be passed by the councils of townships in unorganized territory:

1. For providing that no sleigh or other vehicle upon runners for the conveyance of articles of burden, goods, wares or merchandise shall be used by any person on any of the highways within the municipality unless the runners thereof, measuring from centre to centre, are apart at the bottom at least four feet. R.S.O. 1960, c. 249, s. 392.

Sleigh
runners

375. The council of a township in unorganized territory having a population of not less than 5,000 and which has been declared by order of the Municipal Board to be a township part of which is so built up and populated as to entitle it to be incorporated as a town under this Act may pass by-laws for the purposes mentioned in,

Power of
certain
townships in
unorganized
territory to
pass by-laws
for certain
purposes

- (a) paragraph 3 of section 363;
- (b) sections 364 and 365;
- (c) paragraph 1 of section 378;

- (d) paragraph 26 of section 352;
- (e) paragraphs 1 and 2 of section 382. R.S.O. 1960, c. 249, s. 393.

376. By-laws may be passed by the councils of townships:

Fire areas
in townships

1. For exercising the powers conferred by paragraph 25 of subsection 1 of section 354 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost, provided that, where two-thirds of the owners of lands in the area, according to the last revised assessment roll, petition therefor, the council may by by-law levy the special annual rate for the purposes mentioned in this paragraph upon that part of the rateable property in the area that consists of the assessments for buildings only as shown on such assessment roll.

Appointing,
insuring and
paying of
fire fighters

2. For appointing, insuring and paying fire fighters and others employed in connection with the fire hall and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll to meet the cost thereof and the cost of the maintenance and repair of the fire hall, fire engines, apparatus and appliances; provided that, where two-thirds of the owners of lands in the area, according to the last revised assessment roll, petition therefor, the council may by by-law levy the special annual rate for the purposes mentioned in this paragraph upon that part of the rateable property in the area that consists of the assessments for buildings only as shown on such assessment roll.

Area fire-
protection
agreements

3. For entering into agreement with any other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or, failing agreement, as may be determined by the Municipal Board for the use of the fire-fighting equipment of such municipality or person, or any of it, in the event of fire in any defined area of the township, and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to the agreement, provided that, notwithstanding the provisions of any such agreement, no liability accrues to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

Establish-
ment of joint
fire brigade
by municipi-
alities

4. For entering into agreement with any other municipality or municipalities for establishing, providing and maintaining, jointly, a fire brigade, fire halls, fire engines, apparatus and equipment and for the maintenance and use thereof upon such basis as to the distribution of cost as the agreement may stipulate.

- (a) Each municipality shall issue its own debentures for its share of the capital cost of providing such fire services, and the provisions of paragraphs 1 to 3 are applicable.

5. For making grants,

- (a) to the Ontario Federation of Agriculture if a by-law under section 306 is not in force in the township; and
- (b) to farm organizations or agricultural commodity groups. R.S.O. 1960, c. 249, s. 394, pars. 1-5.

Grants to
Ontario
Federation of
Agriculture
and farm
organizations

6. For authorizing the annual dues of members of any farm organization approved by the Minister of Agriculture and Food to be entered in the collector's roll and collected in the same manner as taxes.

Addition to
collector's
roll of dues
of members
of farm
organizations

- (a) A by-law under this paragraph applies only where the annual dues for all members of the farm organization are uniform.
- (b) A by-law under this paragraph remains in force until amended or repealed and it is not necessary to pass such by-law annually.
- (c) Upon receipt by the clerk of the township, before the certification of the collector's roll, of written notice from a member of such a farm organization instructing that the annual dues of such member be collected in the same manner as taxes for which he is liable, the dues of such member shall be entered in the collector's roll in a special column designated by the name of the farm organization.
- (d) A member who has given a notice under clause *c* may by similar notice require the clerk of the township to discontinue the collection of dues.
- (e) Such dues do not form a charge upon land and are not subject to a penalty for non-payment.
- (f) The treasurer of the township shall deposit the dues collected in a special account or accounts and shall from time to time pay such dues to the treasurer of the proper farm organization. R.S.O. 1960, c. 249, s. 394, par. 6, *amended*.

7. For authorizing the reeve or deputy reeve or, in case of the absence of the reeve and deputy reeve, any member of the council, in the event of an emergency arising in the township by reason of timber or forest fires, to call out such number of resident male inhabitants of the township as may be necessary to fight and put out any such fires, and for fixing the amount of the remuneration to be paid to such residents for the services rendered by them.

Authority to
call out help

Numbering
buildings
and lots in
parts of
township

8. For numbering the buildings and lots along any highway, street, beach, park, reserve or any other property in the township that it is considered necessary to number by the township council, and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building, lot or property.

- (a) Such expense may be collected in the same manner as taxes, and, if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Records of
streets and
numbers, etc.

9. For keeping, and every such council shall keep, a record of the highways, streets, beaches, parks, reserves and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.

Restrictions
on operation
of portable
steam
engines

10. For prescribing the distance from a highway within which unenclosed portable steam engines may not be used for running a sawmill or a shingle mill.

Keeping
highways
open in
winter

11. For providing for keeping open the highways during the season of sleighing in each year, and for the application of so much of the commutation of the statute labour fund as may be necessary for that purpose.

Requiring
overseers of
highways to
keep open
highways

12. For requiring the overseers of highways or the pathmasters to make and keep open the highways during the season of sleighing.

Powers of
overseers

- (a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in keeping open such highways, and shall give to any person so employed a certificate of his having performed statute labour and of the number of days work done, for which he shall be allowed on his next season's statute labour. R.S.O. 1960, c. 249, s. 394, pars. 7-12.

Regulating
vending in
streets

13. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Erecting and
maintaining
weighing
machines

14. For erecting and maintaining weighing machines within the municipality or with an adjacent village, and charging fees for the use thereof.

Purchase of
wet land
from Gov-
ernment

15. For purchasing any wet land in the township, the price of which, in case of Crown lands, shall be fixed by the Lieutenant Governor in Council, and for draining such land. R.S.O. 1960, c. 249, s. 394, pars. 14-16.

377. By-laws may be passed by the councils of towns, villages and townships and by boards of commissioners of police of cities:

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.

Teamsters, cab owners, cab drivers, vehicles for hire, etc.

2. For licensing, regulating and governing keepers of livery stables and of horses used for hire.

Livery stables

3. For licensing, regulating and governing persons keeping boats for hire, and for regulating and inspecting boats kept by such person, and for revoking any such licence.

Boat livery keepers

4. For requiring any or all persons mentioned in paragraphs 1, 2 and 3 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, where such insurance is not so provided, the council or board may refuse, refuse to renew or revoke any licence issued under paragraph 1, 2 or 3.

Insurance for teamsters, cab owners, etc.

5. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway, and for restricting the operations of such persons to the sale of newspapers and magazines only, and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter, except newspapers and magazines, and for prohibiting the taking or soliciting of subscriptions to magazines upon any highway or in any public place, and for revoking any such licence.

Sale of newspapers and magazines on streets

6. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, where such insurance is not so provided, the council or board may refuse, refuse to renew or revoke any such licence.

Taxi-cab brokers

- (a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer. R.S.O. 1960, c. 249, s. 395.

378. By-laws may be passed by the councils of counties, towns, villages and townships and by boards of commissioners of police of cities:

Licensing
and regula-
ting salvage
shops, etc.

1. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

- (a) In this paragraph,
 - (i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,
 - (ii) "salvage yard" includes an automobile wrecking yard or premises,
 - (iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.
- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.
- (c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.
- (d) The fee to be paid for the licence shall not exceed \$20 for one year.
- (e) A by-law of a county passed under this paragraph shall not have force in any municipality in the county after such municipality hereby authorized so to do has passed a by-law for a similar purpose.
- (f) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence. R.S.O. 1960, c. 249, s. 396.

379. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory:

Public fairs
for sale of
cattle, etc.

1. For authorizing, on petition of at least fifty electors, the holding, at one or more of the most public and convenient places in the municipality, of public fairs restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

- (a) The by-law shall prescribe rules and regulations for the government of the fairs, and appoint a person to see that they are carried out, and shall also fix the fees to be paid

to him by persons attending the fair, and public notice of the passing of the by-law shall be forthwith given by the council.

2. For appointing one or more surgeons for the institutions under the control of the corporation. R.S.O. 1960, c. 249, s. 397, *amended*. Appointment of surgeons

380. By-laws may be passed by the councils of counties, cities, separated towns, towns in unorganized territory and townships having a population of not less than 100,000:

R.S.O. 1960, c. 249, s. 398, *part*; 1960-61, c. 59, s. 19.

1. For defining areas within which tanneries, salvage shops, salvage yards or second-hand goods shops, or industries of a noxious or unhealthy character, may not be carried on. Defining areas in which certain trades may not be carried on

(a) This paragraph does not apply to a tannery erected before the 7th day of April, 1890. R.S.O. 1960, c. 249, s. 398, *part*, par. 1.

381.—(1) By-laws may be passed by the councils of counties, townships, towns and villages and of cities having a population of less than 100,000, and by boards of commissioners of police of cities having a population of not less than 100,000:

1. For licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards. Licensing, etc., salesmen

(a) No such licence is required for hawking, peddling or selling goods, wares or merchandise, When licence not required

(i) to wholesale or retail dealers in similar goods, wares or merchandise, or

(ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or

(iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or

(iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or

(v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer

or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise, or

- (vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

Production of authority of servant

- (b) Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer.

Onus of proof that no licence required

- (c) In a prosecution for a breach of the by-law, the onus of proving that he does not for any of the reasons mentioned in clause *a* require to be licensed is upon the person charged.

Certain powers not affected

- (d) Nothing in this paragraph affects the powers to pass by-laws under sections 364 and 365, paragraph 1 of section 382, and paragraphs 16 and 17 of section 383.

Force of by-law of town, etc., not separated

- (e) Where the council of a town, village or township not separated from a county has passed a by-law under this paragraph, the by-law of the county is not in force in the town, village or township while the by-law of such town, village or township remains in force.

Fees

- (f) The fee to be paid for the licence under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the licence is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but no licence fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department.

Licence to be produced on demand

- (g) The licensee shall at all times while carrying on his business have his licence with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so is guilty of an offence, unless the same is accounted for satisfactorily, and on summary conviction is liable to a fine of not less than \$1 and not more than \$5.

Penalty

- (h) If a peace officer demands the production of a licence by any persons to whom the by-law applies and the demand is not complied with, it is the duty of the peace officer and he has power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to law.

Supplying licences

2. For providing the treasurer or clerk of the county, or the clerk of any municipality within the county, with licences under

by-laws passed under paragraphs 1 and 7 to be issued under such regulations as may be prescribed to persons applying for them.

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof. Prohibiting sale of refreshments on public streets, etc.

4. For licensing, regulating and governing persons not being wholesale dealers residing in Ontario who go from place to place or to a particular place to make sales or deliveries of fruits and garden produce to a retail dealer and for licensing, regulating and governing bakers, butchers and grocers whose place of business is out of Ontario but who go from place to place or to a particular place in Ontario to make sales or deliveries of bread, meat and groceries to any person other than to a retail dealer. Licensing dealers in fruit

(a) The fee to be paid for the licence shall not exceed \$250.

(b) The provisions of clauses *e*, *g* and *h* of paragraph 1 apply to a by-law passed under this paragraph.

5. For limiting the number of and licensing and regulating victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places for the lodging, reception, refreshment or entertainment of the public, and for revoking the licence. Limiting number of and licensing victualling houses, etc.

(a) The sum to be paid for the licence shall not exceed \$20.

6. For licensing, regulating and controlling all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold. Licensing food shops

(a) The licence fee shall not exceed the sum of \$1 for one year.

7. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a licence to an applicant who is not of good character or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is considered not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the licence shall be in force; and for revoking any such licence. Auctioneers

- (a) No such by-law applies to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.
- (b) A by-law of a county passed under this paragraph does not have force in a town, village or township that has passed a by-law for a similar purpose.

Bill posters

8. For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills that are indecent or tend to corrupt morals.

- (a) A by-law of a county passed under this paragraph does not have force in a town, village or township that has passed a by-law for a similar purpose.
- (b) A by-law passed under this paragraph may provide that no such licence shall be required by a person who works only as an employee of a person licensed. R.S.O. 1960, c. 249, s. 399 (1); 1970, c. 135, s. 8.

By-law to cover sales on county boundary lines

(2) A by-law passed by a council of a county under paragraphs 1 to 4 of subsection 1, whether the same is mentioned or not, covers and includes the boundary line or highway between such county and an adjoining county, and a sale made on such boundary line or highway to a resident of a county in which such by-law is in force is a breach of such by-law in the same manner and with like consequence and effect as if made wholly within the county. R.S.O. 1960, c. 249, s. 399 (2).

382. By-laws may be passed by the councils of towns, villages and townships and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

Regulating sale of meat

1. For regulating the storage, handling and sale of fresh meats and of fresh fish and prescribing the equipment and appliances necessary to conduct such business under sanitary conditions, and for granting annually or oftener licences for the sale of fresh meat in quantities less than by the quarter carcass and of fresh fish and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantities than the quarter carcass and of fresh fish, unless by a licensed person and in a place authorized by the council.

- (a) The power conferred by this paragraph is not affected or restricted by anything in section 365.
- (b) Nothing in this paragraph affects the powers conferred by paragraphs 3 and 4 of section 364.
- (c) The fee to be paid for the licence shall not exceed \$50 in a city and \$25 in a town, township or village.

2. For licensing, regulating and governing keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail, and for revoking any such licence.

Licensing and regulating keepers of tobacco stores

3. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices in or upon any highway or public place, and for revoking any such licence. R.S.O. 1960, c. 249, s. 400, pars. 1-3.

Licensing, etc., street photographers

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards, provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries. R.S.O. 1960, c. 249, s. 400, par. 4; 1961-62, c. 86, s. 44.

Licensing non-resident transient photographers

383. By-laws may be passed by the councils of towns, townships and villages and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

1. For licensing, regulating and governing persons who for hire or gain, and proprietary clubs, that directly or indirectly keep, or have in their possession, or on their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; for limiting the number of licences to be granted and the number of such tables that shall be licensed, and for revoking any such licence.

Billiard, pool and bagatelle tables

(a) "Proprietary club" means all clubs other than those in which the use of any such table is only incidental to the main objects of the club.

2. For licensing, regulating and governing the owners of barber shops and hairdressing establishments, and for revoking any such licence.

Barber shops, etc.

3. For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks or repair or reconstruct drains, remove tree roots or other obstructions from drains and private drain connections by mechanical or other means, and for revoking any such licence.

Drain contractors, etc.

4. For licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles and driving instructors employed in such business, and for regulating and governing the equipment used in such business, and for revoking any such licence.

Driving schools and instructors

- (a) The licence fee shall not exceed \$50. R.S.O. 1960, c. 249, s. 401, pars. 1-4.

Electrical
workers

5. For examining, licensing, regulating and governing electrical contractors and master electricians or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both.

- (a) In this paragraph "master electrician" means a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in Ontario and who, himself, or by journeymen electricians in his employ, performs electrical work; and "journeyman electrician" means a person who has been issued a certificate of qualification in the trade of electrician by the Department of Labour.
- (b) The by-law does not apply to the employees of a public service commission or corporation. 1967, c. 55, s. 17; 1968-69, c. 74, s. 24 (1).

Exhibitions,
bowling
alleys, etc.
R.S.O. 1970,
c. 459

6. For regulating and licensing, subject to the provisions of *The Theatres Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law, and for revoking any such licence.

Exhibitions
of wax
works,
shows, etc.

7. For prohibiting or regulating and licensing exhibitions of wax works, menageries, circus-riding, and other like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousels and other like contrivances, and for imposing penalties not exceeding the amount of the licence fee on offenders against the by-law, and for levying the same by distress and sale of the goods and chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

- (a) A licence shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 300 yards from the grounds of the society, or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in.

(b) The fee to be paid for the licence shall not exceed \$500.

8. For licensing, regulating and governing dealers in coal, coke, oil or other fuel, and for revoking or suspending the licence of any such dealer.

Licensing,
etc., fuel
dealers

(a) The fee for such licence shall not exceed \$5 per year.

(b) A by-law passed under this paragraph shall include dealers in coal, coke, oil or other fuel who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the municipality.

9. For licensing, regulating and governing persons who deliver coal or other fuel, and for revoking any such licence.

Fuel
delivery
men

10. For licensing, regulating and governing persons who carry on the business of installing insulation in buildings, and for revoking any such licence.

Installers of
insulation

11. For licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such licence. R.S.O. 1960, c. 249, s. 401, pars. 6-11.

Refreshment
vehicles

12. For licensing, regulating and governing plumbing contractors, master plumbers and journeyman plumbers.

Plumbers

(a) In this paragraph, "master plumber" means a person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in Ontario and who himself or by journeyman plumbers under his supervision performs plumbing work; and "journeyman plumber" means a person who has been issued a certificate of qualification in the trade of plumber by the Department of Labour.

(b) A certificate of qualification referred to in clause a shall be accepted as sufficient qualification for a licence as a journeyman plumber without further examination. 1968-69, c. 74, s. 24 (2).

13. For licensing, regulating and governing keepers of shoe repair or shoe shine shops, and for revoking any such licence.

Shoe repair
shops, etc.

14. For fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality. R.S.O. 1960, c. 249, s. 401, pars. 13-14.

Tag days

15. For licensing, regulating and governing tourist camps, trailer camps and motels and for designating areas of land to be used as tourist camps, trailer camps or motels, and for prohibiting the use of other land for such purposes.

Tourist and
trailer camps

(a) In this paragraph,

Interpre-
tation

- (i) "tourist camp" includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and
- (ii) "trailer camp" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

Licensing
and regu-
lating

- (b) Any by-law passed under this paragraph may, among other things,
 - (i) require trailer camps to be divided into lots having such minimum area as the by-law may prescribe,
 - (ii) provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor.
 - (iii) require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance. R.S.O. 1960, c. 249, s. 401, par. 15; 1960-61, c. 59, s. 20.

Licensing
and regu-
lating
transient
traders

16. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

Requirement
as to obtain-
ing licence
before doing
business

17. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a licence fee before commencing to trade.

For the purpose of paragraph 16 and this paragraph,

Interpre-
tation

- (a) "Transient trader" includes any person commencing business who has not resided continuously in the munic-

ipality for at least three months next preceding the time of his commencing such business there.

- (b) The by-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or involency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock. Stock of insolvent

- (c) The by-law does not apply to the sale of a business to a *bona fide* purchaser who continues the business. Bona fide purchaser

- (d) Subject to clause e, the fee to be paid for a licence in the case of a transient trader shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300. Fees

- (e) The fee to be paid for the licence by a farmer, resident in Ontario, who offers for sale only the produce of his own farm shall not exceed \$5. Resident fee

- (f) The sum paid for a licence shall be credited to the person paying it, or to any *bona fide* purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter. Credit of fees on taxes

- (g) Every transient trader who carries on business without a licence is guilty of an offence and on summary conviction is liable to a fine equal to the licence fee that he should have paid and in addition thereto the sum of not less than \$10 and not more than \$200. Offence

- (h) Every transient trader shall cause his licence to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader and in default thereof is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$10. Licence to be displayed

- (i) Every applicant for a transient trader's licence shall as part of his application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that he proposes to sell or offer for sale under such licence. R.S.O. 1960, c. 249, s. 401, pars. 16, 17. Application for licence to contain certain information

By-laws for
licensing
chimney-
repair men
etc.

18. For licensing, regulating and governing chimney-repair men and persons engaging in the business of altering, repairing or renovating buildings or structures, or constructing radiation fallout shelters, and for refusing a licence to any applicant who is not of good character or who has not in the municipality a place of business where he is assessed for business tax with respect to such business, and for revoking such licence.

(a) No by-law passed under this paragraph applies to a building contractor whose principal business is the construction of buildings or structures.

(b) The fee to be paid for a licence shall not exceed \$10. 1964, c. 68, s. 12, *amended*.

Special
sales

384.—(1) In this section, “special sale” means any sale or intended sale at retail described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof:

bankrupt	moving out	fire
insolvent	selling out	smoke
trustee	lease expiring	water damage
receiver	closing out	creditor
liquidation	discontinuing	forced

or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business. 1968, c. 76, s. 23, *part*.

Licensing
and
regulating
special sales

(2) By-laws may be passed by the councils of towns, townships and villages and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000,

(a) for licensing and regulating special sales of goods and persons conducting such sales, and for prohibiting special sales of goods without a licence;

(b) prescribing the conditions on which licences may be issued and revoked, and providing for the revocation of such licences;

(c) fixing a fee for such licences; and

(d) for appointing inspectors and providing for the inspection of such goods. 1968, c. 76, s. 23, *part*; 1968-69, c. 74, s. 25 (1).

Application

(3) A by-law under this section does not apply to a sale by or under the authority of,

R.S.C. 1952,
cc. 14, 296

(a) a receiver or trustee under the *Bankruptcy Act* (Canada) or a liquidator under the *Winding-up Act* (Canada);

- (b) a court or receiver appointed by the court;
- (c) a bailiff, sheriff, executor or administrator; or
- (d) a receiver, liquidator or trustee under any general or special Act. 1968, c. 76, s. 23, *part*.

(4) A special sale shall be deemed to be a business for the purposes of this Act and any other Act that contains provisions with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any business or the person carrying on or engaged in it. 1968-69, c. 74, s. 25 (2).

Special sale
deemed
business

385. By-laws may be passed by the councils of towns and villages and boards of commissioners of police of cities:

1. For regulating or prohibiting the playing of bands and of musical instruments in any highway, park or public place except by a military band attached to any regular corps of the militia of Canada when on duty, under the command of its regular officer.
2. For licensing, regulating and governing persons who for hire or gain purchase or deal in old gold and other precious metals and in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom, and for revoking any such licence.
- (a) The fee to be paid for a licence shall not exceed \$25 per year.
3. For prohibiting keepers of second-hand goods shops or salvage stores or shops directly or indirectly purchasing from, exchanging with, or receiving in pledge, from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods or articles. R.S.O. 1960, c. 249, s. 402.

Bands of
music

Licensing of
dealers in
old gold, etc.

Salvage
shops
buying from
minors

386. By-laws may be passed by boards of commissioners of police of cities and, in respect of paragraph 3, by the councils of towns, villages and townships:

R.S.O. 1960, c. 249, s. 403, *part*; 1960-61, c. 59, s. 21.

1. For regulating and controlling children engaged as express or dispatch messengers, vendors of smallwares and bootblacks.
2. For regulating the hours of labour of persons employed in livery or boarding stables as drivers of motor vehicles, cabs, carriages or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire.
3. For regulating parades or processions on highways and, from time to time and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the

Occupations
of children

Regulating
hours of
labour of
persons
employed
in livery
stables, etc.

Regulating
traffic and
parades

highways during public processions or public demonstrations, and for giving directions to constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged or liable to obstruction.

- (a) This paragraph does not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction that may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard. R.S.O. 1960, c. 249, s. 403, *part*, pars. 1-3.

County council to make provision for destitute mental defectives, etc. R.S.O. 1970, c. 270

387. The council of every county shall make provision for the whole or partial support within the county of such mentally ill, mentally defective or epileptic destitute persons as cannot be admitted to an institution within the meaning of *The Mental Hospitals Act*, and shall determine the sums to be paid for such support and the persons to whom the same shall be paid. R.S.O. 1960, c. 249, s. 404.

Daily remuneration of councillors

388.—(1) The council of a municipality may pass by-laws for paying the members of council for attendance at meetings of council or of its committees such *per diem* rate as the council may determine. 1968, c. 76, s. 24 (1).

Where member receives salary

(2) Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings. R.S.O. 1960, c. 249, s. 405 (2).

Mileage allowance

(3) In the case of a council of a county or a township, the by-law may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings. R.S.O. 1960, c. 249, s. 405 (3); 1968-69, c. 74, s. 26.

Fees to head of council on public utility commission

(4) The head of the council of a municipality may be paid for his services as a member of any public utility commission the same *per diem* rate as is determined by the council under subsection 1. 1968, c. 76, s. 24 (2).

Annual allowance of councillors,

389.—(1) The council of a municipality may pass by-laws for paying the members of council such annual allowance as council may determine.

chairmen

(2) The council of a municipality may pass by-laws for paying, in addition to the allowance paid under subsection 1, such annual allowance as council may determine to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health. 1968, c. 76, s. 25.

390. The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act*,

Accident,
etc., insurance
re members
of council
R.S.O. 1970,
c. 224

- (a) group accident insurance to indemnify any member of council or his estate against loss in case he is accidentally killed or injured; and
- (b) group public liability and property damage insurance to indemnify any member of council or his estate in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

while travelling on the business of the corporation or in the performance of his duties as a member of council either within or outside the municipality. 1967, c. 55, s. 18.

391. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school, planning and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department. 1960-61, c. 59, s. 22; 1961-62, c. 86, s. 46.

Annual
salary for
members of
local boards
R.S.O. 1970,
c. 118

392. Notwithstanding the other provisions of this Act or any other general or special Act, where an elected member of a council of a municipality or a local board, as defined in *The Department of Municipal Affairs Act*, is, under a by-law or resolution of the council or such local board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount shall be deemed to be for expenses incident to the discharge of his duties as a member of the council or such local board. R.S.O. 1960, c. 249, s. 408; 1966, c. 93, s. 29.

Expense
allowance

393. A member of the council of a village or township having a population of 3,000 or less may be appointed commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation, and may be paid the like remuneration for his services as if he were not a member of the council. 1967, c. 55, s. 19.

Appoint-
ment of
member of
council as
commis-
sioner, etc.

394. The council of any municipality may pay for or towards,

- (a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and

Expenses for
entertaining
guests and
for travelling
on civic
business

(b) the travelling and other expenses of the members of council and of the officers and servants of the municipality while travelling outside the municipality in their capacity as councillors, officers or servants a sum not exceeding in any one year,

(i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 30,000.....	5,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

(ii) in the case of a county..... 5,000

and such sums do not include expenditures made under paragraphs 10, 11, 13, 14 and 15 of section 352 or expenditures for travelling and other expenses of the officers and servants of the municipality while travelling on normal business of the municipality within or outside the municipality, but do include expenses of members of council and of officers and servants of the municipality for attending other conventions and receptions. R.S.O. 1960, c. 249, s. 410; 1961-62, c. 86, s. 47; 1966, c. 93, s. 30 (1).

Industries
department
and commis-
sioner

395.—(1) The council of a municipality having a population of not less than 5,000 may pass by-laws for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, business, educational, residential or vacation centre. R.S.O. 1960, c. 249, s. 411 (1).

Expenditure
for publicity

(2) The council of a municipality may, by a vote of three-fourths of all the members of the council present and voting or, in the case of a county, by a vote of three-fourths of the voting strength of the council, expend in any year such sum as it may determine for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre. 1964, c. 68, s. 13, *part*; 1966, c. 93, s. 31; 1968, c. 76, s. 26; 1968-69, c. 74, s. 27.

Pooling of
funds

(3) Any two or more municipalities may pool their funds and act jointly for the purposes of this section. 1964, c. 68, s. 13, *part*.

PART XX

HIGHWAYS AND BRIDGES

396.—(1) In this Part, “county bridge” means a bridge under the exclusive jurisdiction of the council of a county. Interpretation

(2) Except as provided by section 411, this Part does not apply to a Provincial road or bridge under the control of the Crown. R.S.O. 1960, c. 249, s. 412. Exception

397. Where power is conferred by this Part upon a council to pass by-laws for acquiring or for assuming a highway, it includes the power to pass by-laws for acquiring or for assuming part of a highway. R.S.O. 1960, c. 249, s. 413. Power to acquire part of highway

398. Where power to pass by-laws in respect of a highway or bridge is conferred by this Act on a council, unless otherwise expressly provided it is exercisable only by the council having jurisdiction over the highway or bridge or, if the highway or bridge is under the joint jurisdiction of two or more councils, only by the joint action of such councils, and a by-law by all of them is necessary for the exercise of such power. R.S.O. 1960, c. 249, s. 414. What councils to exercise powers re highways and bridges

399. Except in so far as they have been stopped up according to law, all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways. R.S.O. 1960, c. 249, s. 415. What constitutes public highways

400.—(1) Unless otherwise expressly provided, the soil and freehold of every highway is vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under this or any other Act. Highways vested in corporation having jurisdiction over them

(2) In the case of a dedicated highway, such vesting is subject to any rights in the soil reserved by the person who laid out or dedicated the highway. R.S.O. 1960, c. 249, s. 416. Reservation of rights in soil

401. Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality has jurisdiction over all highways and bridges within the municipality. R.S.O. 1960, c. 249, s. 417. Jurisdiction of councils over highways

Exception
as to road
owned by
company,
etc.

Jurisdiction
of county
councils over
roads and
bridges

402. Sections 400 and 401 do not apply to roads or bridges owned by companies or individuals. R.S.O. 1960, c. 249, s. 418.

403.—(1) The council of a county has jurisdiction over,

- (a) every highway, bridge and boundary line assumed by the council;
- (b) every bridge crossing a river, stream, pond or lake forming or crossing a boundary line between local municipalities, other than a city or separated town in the county;
- (c) every bridge crossing a river or stream over 100 feet in width within the limits of a village in the county where the bridge forms part of a main highway leading through the county.

Power to
limit juris-
diction

(2) The council may provide that the jurisdiction conferred upon it by clause *b* of subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes, less than 80 feet in width or of such width less than 80 feet as may be specified in the by-law. R.S.O. 1960, c. 249, s. 419.

Jurisdiction
over bridges
on county
boundaries

404. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties have joint jurisdiction over such bridges. R.S.O. 1960, c. 249, s. 420.

Jurisdiction
over bridges
on bound-
aries
between
county and
city, etc.

405. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town have joint jurisdiction over such bridges. R.S.O. 1960, c. 249, s. 421.

Jurisdiction
over bound-
aries
between
local muni-
cipalities

406. The councils of the local municipalities between which they run have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by this Act are under the jurisdiction of another council or other councils. R.S.O. 1960, c. 249, s. 422.

Jurisdiction
where corpo-
ration owns
bridge, etc.,
in another
municipality

407. Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate, the council of that corporation has jurisdiction over it. R.S.O. 1960, c. 249, s. 423.

408.—(1) The council of a village may pass by-laws for the assumption by the corporation of the village, with the consent of and on such terms and conditions as may be agreed on with the council of the county, of any bridge within the limits of the village and under the jurisdiction of the council of the county.

Assumption
by villages
of bridges
under
control of
county

(2) When the by-law takes effect, the bridge ceases to be under the jurisdiction of the council of the county and comes and thereafter remains under the jurisdiction of the council of the village, and is and shall remain toll free. R.S.O. 1960, c. 249, s. 424.

Effect of
by-law

409. The council having jurisdiction over a bridge has jurisdiction over the approaches to it for 100 feet next adjoining each end of the bridge. R.S.O. 1960, c. 249, s. 425.

Approaches
to bridges

410.—(1) The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon that it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the other from any loss or damage arising from the want of repair of such portion. R.S.O. 1960, c. 249, s. 426 (1).

Agreements
between
adjoining
municipali-
ties as to
maintenance
of boundary
road

(2) A copy of any agreement made under subsection 1, together with a copy of the by-laws of each of the municipalities authorizing the execution of the agreement, shall be registered in the registry office of the registry division in which the highway is situate. 1961-62, c. 86, s. 48 (1).

Copy of
agreement
and by-laws
to be
registered

(3) After the registration of the agreement and by-laws, each corporation has jurisdiction over that portion of the road that it has undertaken to maintain and keep in repair, and is liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation is relieved from all liability in respect of its maintenance and repair. R.S.O. 1960, c. 249, s. 426 (3); 1961-62, c. 86, s. 48 (2).

Effect

411. The Lieutenant Governor in Council by proclamation may declare that any public road or bridge under the control of the Minister of Highways shall not be under his control after a day named in the proclamation, and such road or bridge after that day ceases to be under the control of the Minister, and no tolls shall be collected thereon and the road or bridge is under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate in two or more municipalities is under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part that lies within its municipality,

Proclama-
tion bringing
government
road or
bridge under
jurisdiction
of municipi-
pality

or if it lies between two or more municipalities is under the joint jurisdiction of their councils. R.S.O. 1960, c. 249, s. 427, *amended*.

Assumption
by county
councils of
highways,
bridges and
boundary
lines

412.—(1) The council of a county may by by-law assume as a county road any highway, or as a county bridge any bridge, within a town, not being a separated town, or within a village or township.

Assent

(2) The by-law does not take effect until assented to by the council of the town, village or township.

County or
township
boundary

(3) The council of a county may also by by-law assume as a county road any county or township boundary line.

Connecting
road in town

(4) The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township that connects with a county road.

Bridges on
such high-
way

(5) Where a highway is assumed under this section, the bridges thereon shall also be assumed as county bridges.

Repeal of
by-law

(6) A by-law passed under this section may be at any time repealed by the council of the county.

Effect of
repeal

(7) After the repeal of the by-law, such highway or bridge ceases to be under the jurisdiction of the council of the county and falls and is under the jurisdiction of the council or councils that had jurisdiction over it at the time of the passing of the by-law for assuming it.

Grants in aid

(8) Where a county assumes a highway or bridge under this section, the town, village or township within which the highway or bridge is situate may make grants to the county in aid of the maintenance or reconstruction thereof and the maintenance of the reconstructed highway or bridge or, where the highway or bridge is relocated, in aid of the construction and maintenance of the relocated highway or bridge. R.S.O. 1960, c. 249, s. 428.

Assuming
highway in
adjacent
municipality
as a public
avenue or
walk

413.—(1) The council of a city or town may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width to not more than 100 feet.

Assent of
other
council

(2) The by-law does not take effect until it is assented to by by-law of the council of the adjacent municipality. R.S.O. 1960, c. 249, s. 429.

Abandon-
ment by
county of
roads

414.—(1) The council of a county may by by-law abandon the whole or any part of a toll road owned by the corporation of the county or of any other road owned by it, whether the road is

situate wholly within the county or partly within it and partly within an adjoining county.

(2) Forthwith after the passing of the by-law, the clerk shall transmit by registered mail to the clerk of every local municipality through or along or on the border of which the road runs a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Clerk to
transmit
copies of
by-law

(3) The by-law does not take effect until it is approved by the Municipal Board, nor does it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law.

Approval of
Municipal
Board

(4) From and after the taking effect of the by-law, the council of a municipality within which any part of the road so abandoned lies has jurisdiction over that part of it that lies within the municipality and, where any part of a road so abandoned lies between or on the border of two or more local municipalities, the councils of such municipalities have joint jurisdiction over that part of it.

Jurisdiction
after abandon-
ment

(5) Nothing in this section extends or applies to a bridge that under this Act is to be maintained wholly or partly by the corporation of the county. R.S.O. 1960, c. 249, s. 430.

Exception

415.—(1) A bridge of a greater length than 300 feet in a town having an equalized assessment of less than \$1,000,000 or in a township may, on the application of the council of the town or township, be declared to be a county bridge where,

Bridges over
300 ft. in
length in
townships
and certain
towns may
be declared
county
bridges

- (a) it is used by the inhabitants of other municipalities;
- (b) it is situate on an important highway affording means of communication to several municipalities; and
- (c) on account of its length and for the reasons mentioned in clauses *a* and *b*, it is unjust that the burden of maintaining and repairing it should rest upon the corporation of the town or township.

(2) An order declaring the bridge to be a county bridge may be made by a judge of the county court of the county in which it is situate, on the application of the council of the town or township.

Order of
judge

(3) Notice of the application shall be served on the corporation of the county at least thirty days before the day on which it is to be made.

Notice of
application

(4) Each corporation is entitled to be represented by counsel on the hearing of the application, and the evidence may, if the judge sees fit, and shall, if either party so requests, be given under oath.

Hearing

Power of
judge

(5) If the judge is of opinion that for the reasons mentioned in subsection 1 the bridge should be declared to be a county bridge, he shall by his order so declare, and in that case he shall determine whether the expense of maintaining and repairing the bridge shall be borne by the corporation of the county or partly by it and partly by the corporation of the town or township and, if he determines that it should be borne partly by each, he shall fix the proportions in which the expense is to be so borne, and his declaration and determination shall be embodied in the order.

Registration
of order

(6) If the order declares the bridge to be a county bridge, it shall be registered in the registry office of the registry division in which the bridge is situate.

Appeal

(7) An appeal lies from the order of the judge to the Court of Appeal and the proceedings upon and incidental to the appeal shall be the same as in the case of an appeal from a judge of the Supreme Court sitting in court.

Registration
of order of
Court
of Appeal

(8) If the order is reversed or varied by the order of the Court of Appeal or if an order declaring the bridge to be a county bridge is made by the Court of Appeal, the order of that court shall be registered as provided by subsection 6.

Effect of
order after
registration

(9) Where the order of the judge of the county court declares the bridge to be a county bridge, except where it is reversed, and subject to any variation of it on appeal, from and after the registration of the order, or, where the order has been reversed and an order declaring the bridge to be a county bridge has been made by the Court of Appeal, from and after the registration of the order of the Court of Appeal, the bridge is a county bridge.

Payment to
county of
proportion of
maintenance

(10) Whenever any expenditure is made by the corporation of the county in maintaining or repairing the bridge a proportion of which the corporation of the town or township is by the order required to bear, that proportion of the expenditure is payable by the last-named corporation to the corporation of the county on demand.

When new
application
may be made

(11) Where the application is dismissed, either by the order of the judge of the county court or by the order of the Court of Appeal, a new application shall not be made until five years have elapsed from the date of the order, and any new application thereafter made may be dealt with without regard to the former order, and subsections 1 to 10 apply *mutatis mutandis* to the application.

Approaches,
when to
form part
of bridge

(12) In the case of a bridge crossing a river, stream, pond or lake, the approaches to the bridge, whether consisting of embankments or other artificial works to the extent to which they are rendered necessary on account of the waters of the river, stream, pond or lake overflowing the highway on one or on both sides of the river, stream, pond or lake in times of freshets or at any other

time, shall be deemed for the purpose of this section to form part of the bridge.

(13) This section also applies to a bridge that it is proposed to construct, including a bridge to replace an existing one and a bridge to replace one that has been carried away or destroyed or so damaged that it is necessary to rebuild it, and the application may be made before the work of construction is begun.

Application of section to construction and renewal of bridge

(14) In the case of an application to which subsection 13 applies, it is the duty of the judge to consider and determine whether a bridge of the length of that which it is proposed to erect is necessary for the purpose for which it is to be erected and, if he is of opinion that a bridge of 300 feet or less will be sufficient for that purpose, it is the duty of the judge so to determine and to refuse to make an order under this section.

Determination by judge as to length of bridge required

(15) In the case provided for by this section, the council of the town or township and the council of the county may at any time enter into an agreement as to the proportions in which the cost of maintaining the bridge and keeping it in repair shall be borne by their respective corporations, or in a case to which subsection 13 applies as to the proportions in which the cost of constructing and maintaining the bridge and keeping it in repair shall be borne by their respective corporations.

Power to agree as to maintenance

(16) The agreement shall provide that the bridge shall thereafter or after a day to be named under the exclusive jurisdiction of the council of the county or remain under the jurisdiction of the council of the town or township.

What agreement to provide

(17) The terms of the agreement shall be embodied in an order of the judge of the county court which may be made upon the application of either corporation, and the order so made supercedes any former order made by him.

Order of judge embodying agreement

(18) If the agreement provides that the bridge is to come under the exclusive jurisdiction of the council of the county, the order made under subsection 17 shall so declare.

Idem

(19) The order made under subsection 17 shall be registered as provided by subsection 6 and has the same effect as an order upon an application made under subsection 2, but the order is not subject to appeal. R.S.O. 1960, c. 249, s. 431.

Registration of order

416. The council of a county which assumes, as a county road or bridge, any highway or bridge within a township shall with as little delay as reasonably may be and at the expense of the county cause the highway to be graded and drained and gravelled, macadamized, or surfaced or paved with other permanent material, or the bridge to be built in a good and substantial manner, and

Highways assumed by county to be gravelled, etc.

shall maintain and keep the same in repair. R.S.O. 1960, c. 249, s. 432.

County to
build and
maintain
certain
bridges

417. The council of the county shall cause to be built and maintained at the expense of the corporation of the county the bridges mentioned in clauses *b* and *c* of subsection 1 of section 403. R.S.O. 1960, c. 249, s. 433.

Maintenance
of bridges
on county
boundary
lines

418.—(1) Where a river, stream, pond or lake forms or crosses a boundary line between two or more counties, it is the duty of the corporations of the counties and, where it forms or crosses a boundary line between a county and a city or a separated town, it is the duty of the corporations of the county and the city or separated town to erect and maintain bridges over such river, stream, pond or lake.

By-law
restricting
duty

(2) The council of a county may by by-law provide that the duty imposed upon the corporation by subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes less than twenty feet in width. R.S.O. 1960, c. 249, s. 434.

Maintenance
of boundary
lines

419.—(1) Boundary lines between local municipalities, including those that also form county boundary lines, shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines.

Exceptions

(2) Subsection 1 does not apply to boundary lines assumed by the council of the county or to such bridges as are under this Act to be erected or maintained by another corporation. R.S.O. 1960, c. 249, s. 435.

Local
municipi-
palities to
erect and
maintain
certain
bridges

420. Where the council of a county passes a by-law under subsection 2 of section 403 or subsection 2 of section 418, it is the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. R.S.O. 1960, c. 249, s. 436.

Maintenance
of boundary
lines and
bridges in
provisional
judicial
district

421. All boundary lines, and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a provisional judicial district, shall be erected and maintained by the corporations of such municipalities and their councils have joint jurisdiction over them and, if the councils fail to agree as to the proportion of the expense to be borne by each corporation, the same shall be determined by arbitration. R.S.O. 1960, c. 249, s. 437.

Notice of
excavating
to owner of
utility works

422. Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person

entitled so to do may interfere with a gas pipe line, telephone line, works for the distribution and supply of electrical power, water mains or sewers, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of such works, at least twenty-four hours before the work is to be commenced, notify the owner of the works that such digging, trenching or excavating is to be done. R.S.O. 1960, c. 249, s. 438.

423.—(1) Where a river or stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber. Keeping rivers free from driftwood, etc.

(2) Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection 1 shall be performed by the corporations of the counties and, where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and, in case of failure to agree in either case as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. R.S.O. 1960, c. 249, s. 439. What corporations to perform the work and apportionment of expense

424.—(1) Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice in writing to the corporation of such adjoining township requesting its council to clear such stream or creek through the municipality. Keeping stream free from logs, brush, etc., in township

(2) It is the duty of such last-mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate appoints to inspect the same. Other township to remove obstructions

(3) If the corporation receiving the notice neglects to perform such duty and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, is responsible for the damages sustained by any person by reason of such want of repair. R.S.O. 1960, c. 249, s. 440. Effect of failure to perform duty

425. Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities and in order to obtain a better line of road, a road has been heretofore or is hereafter laid out and opened that does not follow the course of Deviations of boundary lines

such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities, and a river, stream, pond or lake that crosses it where it so deviates shall be deemed to be a river, stream, pond or lake crossing a boundary line within the meaning of this Act. R.S.O. 1960, c. 249, s. 441.

Specifica-
tions for
certain
bridges

426.—(1) Every iron, steel, concrete or stone bridge constructed by the corporation of a county, and every such bridge exceeding twenty feet clear span constructed by the corporation of a township, shall be designed and built in accordance with general specifications approved by the Department of Highways.

Duplicate
plans to be
submitted

(2) Plans in duplicate for any such bridges may be submitted by the council of any county or township to the Department of Highways and, if they are found to be in accordance with such approved general specifications, the certificate of the Department shall be attached, and one of the plans shall be returned to the clerk of the county or township. R.S.O. 1960, c. 249, s. 442.

Liability for
repair of
public roads,
etc.

R.S.O. 1970,
c. 296

427.—(1) Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it or upon which the duty of repairing it is imposed by this Act and, in case of default, the corporation, subject to *The Negligence Act*, is liable for all damages sustained by any person by reason of such default.

Limitation
of actions

(2) No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained.

Insufficiency
of fences,
etc.

(3) No action shall be brought against a corporation for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier, or caused by or on account of any construction, obstruction or erection or any situation, arrangement, or disposition of any earth, rock, tree or other material or object adjacent to or in, along or upon any highway or any part thereof not within the travelled portion of such highway.

Snow or
ice on
sidewalks

(4) Except in case of gross negligence, a corporation is not liable for a personal injury caused by snow or ice upon a sidewalk.

Notice of
action

(5) No action shall be brought for the recovery of the damages mentioned in subsection 1 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered mail to the head or the clerk of the corporation, in the case of a county or township within ten days, and in the case of an

urban municipality within seven days, after the happening of the injury, nor unless, where the claim is against two or more corporations jointly liable for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time.

(6) In the case of the death of the person injured, failure to give notice is not a bar to the action and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice is not a bar to the action, if the court or judge before whom the action is tried is of the opinion that the corporation in its defence was not prejudiced by the want or insufficiency of the notice and that to bar the action would be an injustice, notwithstanding that reasonable excuse for the want or insufficiency of the notice is not established.

When failure to give notice of claim is not a bar to action

(7) This section does not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation.

To what roads applicable

(8) Nothing in this section imposes upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon him by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or licence of its council.

When corporation not responsible for acts of others

(9) A corporation is not liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

When corporation not liable for damages

(10) Where a bridge that it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it, the Municipal Board may, upon the application of the corporation, relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the rebuilding of it would entail a larger expenditure than would be reasonable having regard to the use that would be made of the bridge if it were rebuilt.

Relief from obligation to rebuild

(11) The relief may be granted on such terms and conditions as the Board considers just, and such notice of the application shall be given as the Board may direct.

Conditions of granting relief

(12) Subsections 10 and 11 do not affect the costs of any pending action. R.S.O. 1960, c. 249, s. 443.

Costs of pending actions

Action for
damages for
nuisance on
highway

428. The provisions of subsections 2 to 9 of section 427 apply to an action brought against a corporation for damages occasioned by the presence of any nuisance on a highway. R.S.O. 1960, c. 249, s. 444.

Snow
removal

429. Where a municipal corporation clears or attempts to clear snow from an unopened road allowance, private road or private lane by means of a snow plough or otherwise, no liability attaches to the corporation in so doing. R.S.O. 1960, c. 249, s. 445.

Registration
of plan not
to create
highway
repair
liability
R.S.O. 1970,
c. 349

430. The approval of a plan of subdivision under *The Planning Act* and the registration thereof shall not be deemed to be an assumption by the corporation of the municipality wherein the land comprised in the plan is situate of any highways shown on the plan so as to render the corporation liable for repair or for damages resulting from non-repair within the meaning of section 427. R.S.O. 1960, c. 249, s. 446.

Issue of
debentures
for refloor-
ing bridge

431. The corporation of a city or town in which an iron, steel or concrete bridge is constructed may pass a by-law authorizing the issue of and may issue debentures to pay the cost of reflooring the bridge, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is passed by a vote of two-thirds of all the members of the council and is approved by the Municipal Board. R.S.O. 1960, c. 249, s. 447.

Apportion-
ment of
damages

432.—(1) Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

Action to
be against
all cor-
porations

(2) Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action.

What to be
taken into
account

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. R.S.O. 1960, c. 249, s. 448.

Members of
council and
employees
not liable
for non-
repair of
highways

433.—(1) Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by him in respect of it or to recover such damages or any

part of them against any member of the council or officer or employee of the corporation personally, but the remedy therefor is against the corporation.

(2) A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection 1. R.S.O. 1960, c. 249, s. 449.

Contractors
not deemed
employees

434.—(1) Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation has a remedy over against such other person for and may enforce payment of the damages and costs that are recovered against the corporation.

Remedy
over for
damages
caused by
non-repair
against per-
sons causing
same

(2) The corporation is entitled to such remedy over in the same action if the other person is a party to the action and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation or opening so placed, made, left or maintained by him.

Remedy
over in
same action

(3) The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over, and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

Adding
party de-
fendant

(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation has the remedy over, by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation only where a notice has been served on him, pursuant to rules of court, or where he has admitted or is estopped from denying the validity of such judgment.

Where per-
son causing
damage has
not been
made a party

(5) Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle

When a
fresh action
is necessary

the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action. R.S.O. 1960, c. 249, s. 450.

Determina-
tion of dis-
putes as to
duty to erect
and main-
tain bridge
or repair
highway

435. When there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the Supreme Court may upon the application of any or either of the corporations determine the matter in dispute on an originating motion, or the court, if of opinion that the matter in dispute cannot satisfactorily be determined on an originating motion or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the court may in either case compel by mandamus the performance of the obligation by the corporation upon which it is found to rest. R.S.O. 1960, c. 249, s. 451.

Disputes as
to apportion-
ment of cost
of erecting or
maintaining

436. Except in the cases provided for by section 439, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping in repair a highway, the matter in dispute shall be determined by arbitration. R.S.O. 1960, c. 249, s. 452.

Laying out
highway
where no
original
allowance

437.—(1) Where an allowance for road was not reserved in the original survey on a township boundary or part of it, the councils of the townships may establish and lay out a highway on such boundary or part of it.

Passing
by law for

(2) The councils of any or either of the municipalities may pass a by-law for establishing and laying out such a highway and for acquiring the land requisite for the one-half of it that lies within the limits of its municipality.

Copy of
by-law to be
sent to other
townships

(3) The clerk shall within four days after the passing of the by-law transmit by registered mail to the clerk of each of the other townships a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Arbitration

(4) If the other council or councils do not within six months after such notice pass a by-law or by-laws in similar terms, the council by which the by-law was passed may require the question of establishing and laying out the proposed highway to be determined by arbitration.

Power of
arbitrator

(5) The arbitrator shall determine whether or not the proposed highway shall be established and laid out and, if he determines that it shall be established and laid out, he shall also determine in what proportions the cost of the site of it shall be borne by each of the corporations.

(6) If it is determined by the arbitrator that the proposed highway shall be established and laid out, the other councils shall forthwith after notice of the award pass the necessary by-laws for establishing and laying out the proposed highway and for acquiring the land requisite for the one-half of it that will lie within the limits of their respective municipalities, and for otherwise carrying out the award, and shall proceed with all reasonable dispatch to carry into effect the by-law.

Duties of other townships when arbitrator determines that highway should be laid out

(7) If it is determined by the arbitrator that the proposed highway shall not be established and laid out, no further proceedings shall be taken under this section within two years from the date of the award or within such time not exceeding in all four years, as the arbitrator may by his award determine. R.S.O. 1960, c. 249, s. 453.

Effect of determination against laying out highway

438.—(1) Where a highway or bridge is under the joint jurisdiction of the councils of two or more municipalities and they are unable to agree as to any action which one or more of them desire to be taken in the exercise of such joint jurisdiction, any of them may require that the matter in dispute shall be determined by arbitration, and in that case shall prepare a draft by-law for carrying into effect what it is desired shall be done, and serve a copy of it on the clerks of the other municipalities with a notice that it is its desire that such a by-law shall be passed.

Disputes as to bridge or highway to be settled by arbitration

(2) If it is determined by the arbitrator that what is proposed ought to be done, he shall by his award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things that on its part are necessary for carrying into effect the objects of the by-law. R.S.O. 1960, c. 249, s. 454.

Award

439.—(1) Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to be borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute.

Determination by county council of disputes as to opening or maintaining township boundary lines

(2) Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintain and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line.

Enforcement by county of opening up or repair on petition of ratepayers

(3) The application shall be by petition and the council of the county after notice to all the corporations interested and after

What matters to be determined by county council

hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection 1 what work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively and, in the case provided for by subsection 2, whether the boundary line shall be opened up and the proportions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes.

Appointment
of commis-
sioners to
enforce
order

(4) The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made.

Townships
to have
opportunity
of doing
the work

(5) If the councils of the townships intimate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceeding to carry out the work directed to be done for a reasonable time to enable the township councils to do it, but, if the work is not proceeded with with such dispatch as the commissioners consider necessary, they shall themselves complete the work.

Apportion-
ment of and
collection of
cost of work
of commis-
sioners

(6) The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his hands belonging to the corporation, but, if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default.

County
boundaries
not affected

(7) This section does not apply to a township boundary line that is also a county boundary line. R.S.O. 1960, c. 249, s. 455.

Determina-
tion by
Municipal
Board of
disputes re
deviation
of county
boundary
lines

440. Where the councils of the townships having joint jurisdiction over a county boundary line are unable to agree as to,

- (a) the necessity for a deviation of the road from the boundary line; or
- (b) the location of the deviation; or
- (c) the use of an existing highway in lieu of a deviation; or
- (d) the proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute and may make any such order as may be deemed just, and such order is final and not subject to appeal. R.S.O. 1960, c. 249, s. 456.

441.—(1) The Ontario Motor League may, at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and mile posts on the highways to indicate distances and danger signals at hills that may be considered to be dangerous or unsafe for travellers.

Power of Ontario Motor League to erect guide and mile posts, etc.

(2) Every such guide post, mile post and danger signal shall be so placed as not to obstruct the highway or to endanger the safety of travellers, and nothing shall appear on or be affixed or attached to it but a notice indicating the purpose that the guide post, mile post or danger signal is designed to serve.

How same to be erected

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of \$5.

Offence

(4) No person shall cut, throw down, injure or deface any such guide post, mile post or danger signal, and for every contravention of this subsection the person offending is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. R.S.O. 1960, c. 249, s. 457.

Defacing posts erected

442. The Canadian Wheelman's Association of the Dominion of Canada has the like power as is conferred on the Ontario Motor League by section 441, and all the provisions of that section apply to guide posts, mile posts and danger signals erected or maintained by the Association; but, where either the League or the Association has exercised the powers conferred upon it upon any part of a highway, the other does not have the right to exercise its powers thereon. R.S.O. 1960, c. 249, s. 458.

Powers of C.W.A. as to erection of guide posts, etc.

443.—(1) The council of every municipality may pass by-laws,

Establishing, widening, stopping up, etc., highways, laying out boulevards, etc.

- (a) for establishing and laying out highways;
- (b) for widening, altering or diverting any highway or part of a highway;
- (c) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time;

- (d) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway;
- (e) for setting apart and laying out such parts as may be considered expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;
- (f) for permitting subways for cattle under and bridges for cattle over any highway;
- (g) for acquiring land or an interest in land at street intersections for the purpose of rounding corners.
R.S.O. 1960, c. 249, s. 459 (1); 1965, c. 77, s. 32.

Exceptions
as to exercise
of power

(2) Nothing in subsection 1 authorizes a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public department, board or officer of Ontario.

Approval of
Lieutenant
Governor to
by-law

(3) A by-law passed under clause *b* or *c* of subsection 1 in respect of an allowance for road reserved in the original survey,

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;
- (c) leading to the bank of any river or stream; or
- (d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Lieutenant Governor in Council, and, where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant Governor in Council until such approval or confirmation has been obtained.

Approval of
Governor
General
to by-law

(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor General in Council in respect of,

- (a) any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance or the Principal Secretary of State in whom the Ordinance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;
- (b) any land owned by the Crown in right of Canada;
- (c) any bridge, wharf, dock, quay or other work vested in the Crown in right of Canada,

1856, c. 45
(Can.)

C.S.C. 1859,
c. 24

or so as to interfere with any land reserved for military purposes or with the integrity of the public defences, and the consent of the

Governor General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been in fact given.

(5) The powers conferred by clause *c* of subsection 1 shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county. R.S.O. 1960, c. 249, s. 459 (2-5).

Limitation
of power
of county

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

Approval
of judge
or county
council to
township
by-law

- (a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated;
- (b) in the case of a township separated for municipal purposes from the county in which it is situated, does not have any force until approved by a judge of the county court of the county in which the township is situated; and
- (c) in the case of other townships, does not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not later than one year after the passing of the by-law by the council of the township. R.S.O. 1960, c. 249, s. 459 (6); 1968, c. 76, s. 27.

(7) The council may in any by-law closing a highway provide that the same shall only be closed for vehicular traffic and not for pedestrian traffic or *vice versa*, and may provide for the erection of barricades to enforce the due observance thereof. R.S.O. 1960, c. 249, s. 459 (7).

Closing of
street to
vehicular
traffic only

(8) A by-law passed under clause *b* of subsection 1 in respect of altering or diverting any highway or part of a highway or under clause *c* of subsection 1 does not take effect in respect of any highway or part of a highway shown on a registered plan of subdivision registered after the 27th day of March, 1946, until it has been approved by the Minister. 1961-62, c. 86, s. 49.

Approval of
Minister

(9) A by-law passed under subsection 1, or any predecessor of subsection 1, for closing any street, road or highway or for opening upon any private property any street, road or highway does not take effect until it has been registered in the registry office of the registry division in which the land is situate, and the by-law shall be registered without further proof by depositing a copy certified under the hand of the clerk and the seal of the municipality. 1966, c. 93, s. 32.

Registration
of by-laws

[NOTE—See *The Highway Improvement Act* (R.S.O. 1970, c. 201) as to consent of Lieutenant Governor to closing of highway connecting with the King's Highway.]

Right of ingress and egress not to be taken away by closing road

444.—(1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of residence over such highway or part of it unless such person consents to the passing of the by-law or unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to his land or place of residence is provided.

By-law, when to take effect

(2) The by-law does not take effect until the sufficiency of such road or way of access has been agreed upon or until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

Arbitration to determine sufficiency of road

(3) If such person disputes the sufficiency of the road or way of access provided, the sufficiency of it shall be determined by arbitration under this Act and, if the amount of compensation is also not agreed upon, both matters shall be determined by one and the same arbitration.

By-law void if road insufficient

(4) If the arbitrator determines that the road or way of access provided is insufficient, he may by his award determine what road or way of access should be provided and, in that case, unless such last-mentioned road or way of access is provided, the by-law is void and the corporation shall pay the costs of the arbitration and award. R.S.O. 1960, c. 249, s. 460.

Possession of unopened road allowance

445.—(1) A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which his land abuts that has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall, as against every person except the corporation the council of which has jurisdiction over the allowance for road, be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it.

Notice of by-law to be given

(2) No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession, at least eight days before the meeting of the council at which the by-law is to be taken into consideration. R.S.O. 1960, c. 249, s. 461.

Publication of by-law, etc.

446.—(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

- (a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or of a township with a population of less than 40,000 shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and
- (b) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard. R.S.O. 1960, c. 249, s. 462 (1); 1961-62, c. 86, s. 50; 1966, c. 93, s. 33.

(2) The clerk shall give the notices upon payment by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. R.S.O. 1960, c. 249, s. 462 (2). Notices

447. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing, laying it out or widening it, or where such land has been acquired by the corporation, section 446 does not apply to the by-law. R.S.O. 1960, c. 249, s. 463; 1961-62, c. 86, s. 51. When publication of by-law not required

448.—(1) Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the concession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet. Sidelines in double front concessions

(2) The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario land surveyor named in the by-law. Term of by-law

(3) A judge of the county or district court of the county or district in which the township is situate, on the application of any person over whose land the connecting road will pass, who objects to the surveyor appointed by the by-law, may appoint another Ontario land surveyor in the place of the one so appointed. Appointment of another surveyor by judge

(4) The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days notice of the time when and the place where it will be heard by the judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality. Application for appointment

(5) The surveyor appointed by the by-law or, if another is appointed by the judge in his place, the surveyor so appointed shall determine the compensation to be paid to the persons whose Compensation, determination

lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township.

Determination
is final

(6) The determination of the surveyor as to the compensation is final. R.S.O. 1960, c. 249, s. 464.

Mistakes
in opening
road allow-
ances

449. Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road that was intended to be, but is not wholly or partly upon such allowance, the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened is entitled to bring or maintain an action for or in respect of what was done or to recover possession of his land, but he is entitled to compensation under and in accordance with the *Expropriations Act* as for land expropriated under the powers conferred by this Act. R.S.O. 1960, c. 249, s. 465 (1), *amended*.

R.S.O. 1970,
c. 154

Sanction of
council to
laying out
of highways
Width of
highways

450.—(1) No highway shall be laid out in any municipality without the sanction of the council of the municipality.

(2) No highway less than 66 feet in width or, except in a city or town, more than 100 feet in width shall be laid out by the council of the municipality without the approval of the Municipal Board or by any owner of land without the approval of the council of the municipality and of the Municipal Board.

Proviso
R.S.O. 1970,
c. 349

(3) Nothing in this section affects *The Planning Act*.

Exception
as to lane

(4) Subsection 2 does not apply and has never applied to any lane laid out in the rear of lands abutting on another highway or to any outlet connecting such a lane with a highway. R.S.O. 1960, c. 249, s. 466.

Agreement
for removal
of obstruc-
tions to view
of drivers

451.—(1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching the intersection. R.S.O. 1960, c. 249, s. 467 (1); 1961-62, c. 86, s. 52.

Application
to judge
for order

(2) If the council is unable to make an agreement as provided in subsection 1, it may apply to the judge of the county court of the county in which the land is situate for an order compelling the removal or alteration of any object in respect of which the application is made, upon such notice to the owner of the land affected as the judge may direct, and the judge may make an

order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter the object, or authorizing the municipal corporation to remove or alter the same and for that purpose to enter upon the land, and *The Judges' Orders Enforcement Act* applies to such an order. R.S.O. 1960, c. 249, s. 467 (2).

R.S.O. 1970,
c. 227

452.—(1) By-laws may be passed:

1. By the council of every municipality for granting aid to the corporation of any immediately adjoining municipality towards opening, widening, maintaining or improving any highway within such municipality, or constructing, maintaining or improving any bridge therein.

Granting aid for opening or improving, etc., highways

2. By the council of every local municipality for granting aid to the corporation of the county in which the municipality is situate towards opening and making any new road on the boundary of the municipality or constructing any new bridge on such boundary line.

By local municipalities to county

3. By the councils of cities, towns and villages for granting aid to the corporation of a township in the county in which the city, town or village is territorially situate or in an adjoining county towards opening, widening, maintaining or improving any highway in such township that constitutes or is to constitute or forms or is to form part of a highway leading to such city, town or village, or towards constructing, maintaining or improving any bridge forming or that is to form part of such highway.

By cities, towns and villages to township

4. By the councils of counties for granting aid towards making, improving or maintaining any county or township boundary line.

By counties for boundary lines

5. By the councils of counties for granting aid to the corporation of any town, village or township towards,

By counties to towns, villages and townships

(a) opening any new highway or constructing any new bridge in the municipality;

(b) opening, widening, maintaining or otherwise improving any highway leading from or passing through the municipality into a county road, or constructing, maintaining or improving any bridge forming or that is to form part of such highway.

6. By the councils of townships,

By townships to county

(a) for granting aid to the corporation of a county adjoining that in which the township is situate towards opening, widening, maintaining or improving any highway lying between the township and another municipality in the adjoining county, or towards constructing, maintaining or improving any bridge on such highway;

- (b) for granting aid for the like purposes to the corporation of the county in which the township is situate in respect of any highway or bridge within the township assumed as a county road or bridge or agreed to be so assumed on condition that such aid shall be granted.

By municip-
alities in
unorganized
territory

7. By the council of a municipality in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

Character
of aid

(2) The aid may be granted by way of loan or otherwise. R.S.O. 1960, c. 249, s. 468.

453. By-laws may be passed by the council of every municipality:

Boulevards

1. For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards on that part of the highway that may be set apart for that purpose, but not so as unreasonably to confine, impede or incommode public traffic.

Regulation

2. For regulating the construction, maintenance and protection of such boulevards. R.S.O. 1960, c. 249, s. 469, pars. 1, 2.

Use of
highways
by owners
and lessees
of abutting
lands

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners or lessees of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land on the other side of the highway, which any such owner or lessee owns or leases or in respect of which he has a licence of occupation, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, and for permitting the owners or lessees of land to make, maintain and use over the sidewalks and untravelled portions of the highway covers of cloth, rubber, plastic or similar material with suitable frames therefor at a height of not less than eight feet above the highway together with posts for the support of such cover and frame, and for permitting the owners or lessees of land to install, maintain and use heating devices in, under, over or upon the sidewalks and for permitting the owners or lessees of land to leave in the highways piling or shoring used in building operations after the building operations are completed and for

prescribing the terms and conditions upon which the same shall be made, constructed, installed, maintained and used and for making such annual or other charge for the privilege conferred by the by-law as the council considers reasonable, and for providing that, upon the termination of such privilege, the highway shall be restored to its former condition at the expense of the owner or lessee of the land, to which the privilege is appurtenant, by filling in the area or opening, removing the bridge, structure, sign or other advertising device, receptacle, canopy, cover, frame and posts or heating device or otherwise as may be required by the by-law.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition is payable, and payment of it may be enforced in like manner as taxes are payable, and payment of them may be enforced. Charge

- (b) The corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, receptacle, canopy, cover, frame and posts or heating device or piling or shoring but is entitled to the remedy over provided for by section 434 against the person by whose act or omission the want of repair is caused. 1967, c. 55, s. 20; 1968, c. 76, s. 28. Liability of corporation for damages

4. For setting apart so much of any highway as the council may consider necessary for the purposes of a bicycle path or of a foot path. Bicycle and foot paths

- (a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, wagon, carriage or cart over or along any such path is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$20.

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests. Timber on road allowances
R.S.O. 1970,
c. 102

6. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers within the municipality or within any defined area or areas thereof. Regulations re pits, precipices, etc.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be considered necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils, or for any other purpose. R.S.O. 1960, c. 249, s. 469, pars. 4-7. Stone and gravel pits

Power to enter upon land to take timber, gravel, etc.

8. For entering upon and searching for and taking from land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges, or for any other purpose. R.S.O. 1960, c. 249, s. 469, par. 8, *amended*.

454. By-laws may be passed by the council of every local municipality:

Leasing of untravelled portions of highways

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, within those portions of the municipality in which land may be used for commercial or industrial purposes, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Use of untravelled portions of highways under lease

2. For regulating and controlling the use, including the use for parking purposes, of untravelled portions of highways under the jurisdiction of the council that are not extensions or connecting links of the King's Highway, which are leased or in respect of which a licence is granted under paragraph 1. 1966, c. 93, s. 35.

Purchasing or renting machinery

455. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money. R.S.O. 1960, c. 249, s. 470; 1961-62, c. 86, s. 53.

Taking stock in bridge company

456. The council of every municipality may pass by-laws for subscribing for any number of shares in the capital stock of or for lending money to or guaranteeing the payment of any money borrowed by a bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between it and another municipality. R.S.O. 1960, c. 249, s. 471.

Interpretation

457.—(1) In this section, "tree" includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.

Planting trees on highways

(2) Any person may plant trees on a highway with approval of the council of the municipality expressed by resolution.

(3) Every tree upon a highway shall be appurtenant to the land adjacent to the highway and nearest thereto. R.S.O. 1960, c. 249, s. 473 (1-3). Land to which appurtenant

(4) The council of every municipality may pass by-laws, By-laws

- (a) authorizing and regulating the planting of shade or ornamental trees upon any highway;
- (b) granting money to be expended for such purpose;
- (c) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees within eight feet of any highway at the expense of the municipality, provided that any tree planted under the authority of any such by-law is the property of the owner of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.
- (d) for preserving trees;
- (e) for prohibiting the injuring or destroying of trees;
- (f) for causing any tree planted upon a highway to be removed when considered necessary in the public interest, but the owner of the trees shall be given ten days notice of the intention of the council to remove such tree and be recompensed for his trouble in planting and protecting it and, if he so desires, is entitled to remove the tree himself, but is not entitled to any further or other compensation;
- (g) prohibiting the planting of any species of tree that the council considers unsuited for that purpose and for the removal without notice of such trees growing on a highway or planted thereon contrary to any such by-law;
- (h) authorizing any officer or committee of the council to supervise the planting of trees upon the highways and the trimming of trees planted upon a highway or upon private property where the branches extend over a highway, or to remove decayed or dangerous trees or trees that have by by-law of the municipality been directed to be removed;
- (i) prohibiting the attaching of any object or thing to a tree located on any highway or public place, except with the consent of an officer of the municipality named in the by-law, notwithstanding that such attachment would not injure or destroy the tree. R.S.O. 1960, c. 249, s. 473 (4); 1966, c. 93, s. 36.

Service of notices

(5) Any notice required by subsection 4 may be given by leaving it with a grown-up person residing on the land or, if the land is unoccupied, by posting it in a conspicuous place on the land.

Consent required to removal, etc.

(6) Except with the authority of the council or a committee or officer thereof appointed as aforesaid, no person shall remove or cut down or injure any tree growing upon a highway. R.S.O. 1960, c. 249, s. 473 (5, 6).

Prohibition as to tying animals, etc.

(7) Any person who ties or fastens any animal to or injures or destroys a tree growing upon a highway or who suffers or permits any animal in his charge to injure or destroy such tree or who cuts down or removes any such tree contrary to this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 249, s. 473 (7), *amended*.

Expenditure for works in any county of a union

458.—(1) The councils of united counties may pass by-laws for raising or borrowing money to be expended exclusively in any one of the counties forming the union.

What members to vote on by-law

(2) None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except, in the case of an equality of votes, when the warden has the casting vote.

What property assessable for rates

(3) The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made.

Debentures, issue of

(4) Every debenture issued under the authority of the by-law shall be issued as the debenture of the corporation of the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be provided for by a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. R.S.O. 1960, c. 249, s. 474.

Prizes for best kept roadside, etc.

459. The council of a township may pass by-laws for granting a prize not exceeding \$10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions, upon which such prizes may be competed for and awarded. R.S.O. 1960, c. 249, s. 475.

460. The councils of all municipalities may pass by-laws:

Obstruction of highways

1. For prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges. R.S.O. 1960, c. 249, s. 476, par. 1.

2. For regulating the crossing of curbing, sidewalks or paved boulevards by vehicles delivering materials to or removing materials from abutting lands on which any building is being erected, altered, repaired or demolished, and for requiring the owners of such abutting lands, upon any application for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished thereon, to pay to the municipality a sum of money not to exceed \$5 per foot of the limit of the lot abutting directly on such sidewalk, curbing or paved boulevard as a deposit to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or other service therein caused by the crossing thereof by such vehicles.

Deposit re
damages to
sidewalks,
etc., upon
issue of
building
permit

- (a) Where a by-law passed under this paragraph requires the payment of a deposit to cover the cost of damage to a sidewalk, curbing or paved boulevard, or to any water service box or other service therein, the by-law shall provide that, upon the completion of the erection, alteration, repair or demolition of the building or buildings on the lands abutting such sidewalk, curbing or paved boulevard and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs shall forthwith be refunded.
- (b) Where any moneys paid under this paragraph remain unclaimed for a period of six years, the municipal treasurer may cause to be published a notice containing a list of such unclaimed moneys, including the name of the depositor, and stating that all persons having any claim to any of such moneys are required to prove their claims within ninety days from the publication of the notice, and, upon the expiration of ninety days from the publication of such notice, the treasurer may transfer all of such moneys against which no claim has been made to the general funds of the municipality free of and from any and all claims of any kind whatsoever.
- (c) Without limiting the generality of the foregoing, a by-law passed under this paragraph may require that the owner or occupier of the lands take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the public streets by vehicles going to or coming from the lands during the course of the erection, alteration, repair or demolition and may provide that, in addition to any penalty otherwise provided by law, the owner or occupier shall be responsible to the municipality for the cost of removing such building material, waste or soil, and such

cost may be deducted from the deposit. 1968-69, c. 74, s. 28.

Removal of
doorsteps,
etc.

3. For requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist.

Prohibiting
building or
maintaining
fences on
highways

4. For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited.

(a) Unless the by-law otherwise provides, a by-law passed under the authority of this paragraph does not extend or apply to a worm fence that is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel.

Prohibiting
throwing
dirt, glass,
etc., on
highways

5. For prohibiting the throwing, placing or depositing of dirt, filth, glass, handbills, paper or other rubbish or refuse, or the carcass of any animal, on any highway or bridge.

Ditches and
culverts

6. For prohibiting the obstruction of ditches or culverts upon highways.

Traffic signs

7. To provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic; provided that no by-law shall authorize the placing of such signs upon that portion of any highway that lies between the double tracks of a street railway constructed upon such highway known as the devil strip. R.S.O. 1960, c. 249, s. 476, pars. 2-6.

Installation
of meters for
controlling
parking of
vehicles on
highways,
and charging
of fees for
parking

8. For erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of such meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of such meters or devices and pay such fees.

No action
except for
negligence

(a) No municipality or municipal parking authority, except in case of negligence, is liable for personal injury or for

damage by reason of the erection, maintenance or operation of such meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

- (b) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. R.S.O. 1960, c. 249, s. 476, par. 7; 1960-61, c. 59, s. 23.

Owner and
driver
liable for
penalties

461.—(1) Where a highway for the site of which compensation was paid is established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway is legally stopped up, if the council determines to sell such original allowance or such stopped-up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land that abuts on it has the right to purchase the soil and freehold of it at that price.

Selling
original road
allowance
or highway

(2) Where there are more owners than one, each has the right to purchase that part of it upon which his land abuts to the middle line of the stopped-up highway.

Prior right
of owners
of abutting
lands

(3) If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part that he has the right to purchase to any other person at the same or a greater price. R.S.O. 1960, c. 249, s. 477.

Sale by
council to
other persons

462.—(1) Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or his successor in title, if he owns the land that abuts on such allowance, is entitled to the soil and freehold of it and, if it has not already been conveyed to him or his predecessor in title, to a conveyance of it.

Where owner
of land taken
for highway
entitled to
original road
allowance

(2) Where the land that so abuts is owned by more persons than one, each is entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

When more
than one
owner

(3) If the owner of the land appropriated for the highway or his successor in title does not own any land abutting on the allowance and the allowance is sold by the council, he is entitled to a part of

Where owner
of land taken
owns no land
abutting on
allowance

the purchase money that bears the same proportion to the whole purchase money as the value of the part of the site of the new highway that belonged to him bears to the value of the whole site. R.S.O. 1960, c. 249, s. 478.

When person
in possession
entitled to
original
allowance

463.—(1) A person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it is entitled to the soil and freehold of such allowance or part of it and, if it has not already been conveyed to him or to his predecessor in title, to a conveyance of it.

Where
several
persons in
possession

(2) Where there are more persons than one in such possession, each is entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

Requirement
as to
assumption
of road by
corporation

(3) If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation, this section does not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is, in its opinion, useless to the public. R.S.O. 1960, c. 249, s. 479.

Stopping up
highways in
unorganized
territory

464. The Lieutenant Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a provisional judicial district not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway that he has stopped up or that, in consequence of an alteration or diversion of it, no longer forms part of the highway as altered or diverted. R.S.O. 1960, c. 249, s. 480.

Opening up
highways
where
5 per cent
reserved

465.—(1) The council of a township in unorganized territory surveyed without road allowances, but in which 5 per cent of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or injuriously affected by the exercise of the powers conferred by this section do not apply.

Filing plan
of roads in
Department
of Lands
and Forests

(2) In cases of deviations from road allowances and of roads laid out where there are no road allowances as provided in subsection 1, the corporation shall cause a plan thereof, so far as it affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the plan in the Department of Lands and Forests. R.S.O. 1960, c. 249, s. 481.

PART XXI

PENALTIES AND ENFORCEMENT OF BY-LAWS

466.—(1) By-laws may be passed by the councils of all municipalities and by boards of commissioners of police for imposing fines of not more than \$300, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act. R.S.O. 1960, s. 249, s. 482 (1). Power to impose fines

(2) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that proceedings to enforce by-laws passed under section 38 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and except that the imprisonment may be for a term of not more than six months for the breach of a by-law of the council or the board of commissioners of police of a city, and in all other cases for a term of not more than twenty-one days. R.S.O. 1960, c. 249, s. 482 (2); 1961-62, c. 86, s. 55 (1). Recovery
R.S.O. 1970,
cc. 450, 349

467. Except as otherwise provided in any Act, every fine imposed for a contravention of a by-law of a municipality or a local board thereof belongs to the municipality. R.S.O. 1960, c. 249, s. 483, *amended*. Application of fines

468.—(1) A conviction for a contravention of any by-law shall not be quashed for want of proof of the by-law before the convicting justice, but the court or a judge hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit or in such other manner as may be considered proper. Convictions not invalidated for want of proof of by-law

(2) Nothing in this section relieves a prosecutor from the duty of proving the by-law or entitles the justice to dispense with such proof. R.S.O. 1960, c. 249, s. 484. Requirement as to proof

469. Where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may, without obtaining the assent of the electors, Enforcing performance of things required to be done under by-laws

borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years. R.S.O. 1960, c. 249, s. 485.

Power to
restrain
by action

470. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation or local board. R.S.O. 1960, c. 249, s. 486.

PART XXII

POLICE VILLAGES

TRUSTEES—ELECTION OF, ETC.

Trustees,
number

471.—(1) There shall be three trustees for every police village.

General
powers

(2) The trustees may contract and may sue and be sued and may pass by-laws by and in the name of the trustees of the police village of (*naming it*), but they are not personally liable upon their contracts. R.S.O. 1960, c. 249, s. 491.

Application
of provisions
as to
election, etc.,
of township
councillors

472.—(1) Except where other provision is made in this Part and except as provided by subsections 2 to 7, the provisions of Parts II, III and IV, which are applicable to councillors of townships, apply *mutatis mutandis* to trustees of police villages.

Returning
officer,
nomination
and polling

(2) The trustees shall appoint the returning officer and the place within the village for holding the nomination and for the polling of every election except the first.

Returning
officer may
vote

(3) Where the returning officer for the police village is not the clerk to whom the ballot box is to be returned, the returning officer is entitled to vote at the election if otherwise qualified.

Duty of clerk
of township
as to
preparing
voters' list

(4) The clerk of every township, a part of which is comprised in the village, not later than the day before that on which the polling is to take place, shall deliver to the returning officer of the village a copy of so much of the voters' list as relates to the village, attested by his declaration in writing as a true copy thereof.

Return of
ballot box

(5) The return of the ballot box provided for by section 115 shall be made,

- (a) where the village lies wholly within the township, to the clerk of that township;
- (b) where the village comprises parts of two or more townships in the same county, to the clerk of that county;

- (c) where the village comprises parts of two or more townships in different counties, to the clerk of the county in which the larger or largest part of the village is situate.

(6) The clerk to whom the ballot box is returned shall perform the duties that under sections 119 and 120 are to be performed by the clerk of a municipality.

Duties of clerk on receiving ballot box

(7) No person is qualified to be elected a trustee unless he has the prescribed qualification in respect of land situate in the village and resides in or within two miles of the village.

Qualification of trustee

(8) No person is qualified to vote at an election of trustees unless he has the prescribed qualification in the village.

Qualification of elector

(9) The first meeting of the trustees after the election shall be held at noon on the third Monday in January, or on some day thereafter at noon. R.S.O. 1960, c. 249, s. 492.

First meeting of trustees

473. If a vacancy occurs in the office of trustee, the remaining trustees or trustee shall appoint, by writing, a trustee to fill the vacancy. R.S.O. 1960, c. 249, s. 493.

Vacancies, how filled

474. Any trustee may be paid such annual or other remuneration as the trustees may determine. R.S.O. 1960, c. 249, s. 494; 1968, c. 76, s. 29.

Remuneration

475.—(1) The trustees shall, by writing, appoint one of their number to be inspecting trustee.

Appointment of inspecting trustee

(2) Forthwith after the making of an appointment under subsection 1 or under section 473, the writing by which the appointment is made shall be filed with the clerk to whom the ballot box is to be returned as provided by subsection 5 of section 472. R.S.O. 1960, c. 249, s. 495.

Requirement as to filing appointment of inspecting trustee, etc.

476.—(1) The trustees may at any time before the 1st day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees consider necessary to defray the expenditure of the trustees for the current year.

Requisition on township council to raise sums to meet expenditure

(2) Where the village comprises parts of two or more townships, the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 477.

Where village situate in more than one township

(3) The amount that the trustees may require to be so levied shall not in any year exceed a sum that a rate of $1\frac{1}{2}$ cents in the dollar in the case of a police village in a township or townships in

Limit of rates

which statute labour has been abolished, and in other cases 1 cent in the dollar, on the rateable property in the village will provide, but this does not apply to a rate imposed or to be levied under section 482, 483 or 485. R.S.O. 1960, c. 249, s. 496.

Apportionment of rate among townships by treasurers

477.—(1) Where a village comprises parts of two or more townships, the proportion of the amount required to be levied in each township shall be determined by the treasurers of the townships.

Meeting of treasurers

(2) A meeting of the treasurers shall be held in every second year following the latest determination and the treasurers shall determine the proportion to be levied in each township.

Determination when treasurers differ

(3) If the treasurers differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the treasurers in determining the proportions, and the decision of a majority is final and conclusive.

Notice of determination to be given to clerk of township

(4) The determination of the treasurer or of the treasurers and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships.

Who to call meeting of treasurers

(5) The meeting of the treasurers shall be called by the treasurer of the township in which is situate the larger or largest part of the rateable property of the village.

How long determination to govern

(6) The proportions as determined under this section govern until the next determination is to be made as provided by subsection 2. 1968-69, c. 74, s. 29.

Reduction of township rates for general purposes

478.—(1) The ratepayers of the village are entitled to such deduction from the township rate for general purposes payable by them as may be agreed upon between the trustees and the council of the township or, if the village comprises parts of two or more townships, by the councils of the respective townships or, if they are unable to agree, as shall be determined by a judge of the county court of the county in which the village is situated or, if the village is situated in two or more counties, of the county in which the assessment of the lands in the part of the village within the county is larger than the assessment of the lands in the part of the village within any other county. R.S.O. 1960, c. 249, s. 498 (1).

Application to O.M.B.

(2) Either party may at any time apply to the Municipal Board for a modification of the terms of the agreement or order. R.S.O. 1960, c. 249, s. 498 (2); 1965, c. 77, s. 35.

Performance of statute labour

479.—(1) The trustees are entitled to have the statute labour to be performed by the ratepayers of the village performed in the village.

(2) If the trustees request the council of a township to commute the statute labour payable by the ratepayers in that part of the village that is situate in the township, the council shall provide for such commutation at such rate, not exceeding \$3 per day, as may be requested by the trustees.

When council required to commute

(3) The amount of the commutation money shall be collected by the collector of the township and be placed to the credit of the trustees in the books of the treasurer of the township. R.S.O. 1960, c. 249, s. 499.

Collection and application of commutation money

480. The trustees may,

Powers of trustees

- (a) construct sidewalks and culverts and make, improve, drain and repair the highways in the village;
- (b) make contracts for the supply of light, heat, power, water or other public utilities by any person to the trustees for the purposes of the village or to the residents thereof;
- (c) enter into agreements for the supply of fire protection in the village by any person or corporation,

and do all things necessary for any of such purposes. R.S.O. 1960, c. 249, s. 500.

481.—(1) The treasurer of a township shall, if he has money of the corporation in hand and not otherwise appropriated, from time to time pay any order of the inspecting trustee or of any two of the trustees to the extent of,

Payment by township treasurer of orders of trustees

- (a) the sum required by section 476 to be levied by the council of the township and any sum that the council is required by the provisions of this Part to place to the credit of the trustees, although the same have not been then collected;
- (b) any money received for licence fees under any by-law of the trustees and for penalties for breaches of any such by-law or of sections 489, 490 and 491.

(2) An order shall not be given under this section except for work actually performed or in payment pursuant to an executed contract. R.S.O. 1960, c. 249, s. 501.

When order not to be given

482.—(1) Upon the application of the trustees, the council of a township in which a police village is situate shall submit for the assent of the electors of the village and, if it receives such assent, shall pass a by-law for borrowing money for,

Submission of money by-laws for certain purposes

- (a) the construction of sidewalks of cement, concrete, brick or other permanent material;

- (b) the purchase of fire engines and other appliances for fire protection and the supply of water therefor;
- (c) lighting the highways in the village;
- (d) supplying water, light, heat or power to the trustees for the purposes of the village or to the residents thereof;
- (e) acquiring land as a site for and erecting thereon a police village hall,

and for the issue of debentures of the corporation of the township for the money borrowed.

Special rate

(2) The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village.

Expenditure of money borrowed

(3) The money borrowed shall be retained in the hands of the treasurer of the township, and he shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the by-law was passed.

Undertaking of work

(4) When the by-law is passed, the trustees may undertake the work or service.

Control of fire engines, etc.

(5) The trustees have the control, care and management of the fire engine and appliances, and of the plant and appliances for the supply of water, light, heat or power, and of the police village hall.

Statement to be furnished to clerk of township of amount required to be levied for certain purposes

(6) The trustees shall in each year before the striking of the rate by the council of the township furnish to the clerk a statement showing in detail the amount required to be levied upon the rateable property of the village for the current year for any such work or service that has been undertaken and for the care and maintenance of any fire engine and appliances purchased and for providing water therefor and for the maintenance and operation of the plant and appliances for the supply of light, heat or power and of the police village hall. R.S.O. 1960, c. 249, s. 502.

Purchase of fire engines and appliances with consent of township council

483.—(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection.

Township to pass debenture by-law

(2) Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township.

Special rate

(3) The special rate imposed for the payment of the debentures shall be imposed upon the rateable property in the village.

Assent of electors not required

(4) The assent of the electors to the by-law is not necessary.

(5) Subsections 5 and 6 of section 482 apply to a fire engine and appliances purchased under the authority of this section. R.S.O. 1960, c. 249, s. 503.

Application
of subss. 5
and 6 of
s. 482

484.—(1) The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon, provided that notwithstanding any such agreement no liability accrues to the trustees for failing to supply the use of the fire-fighting equipment, or any of it.

Fire-
protection
agreements

(2) For the purposes of paragraph 4 of section 376, and for the purposes of the joint management and operation of fire departments under paragraph 5 of section 352, the trustees have all the powers of the council of a township, except the power to issue debentures. R.S.O. 1960, c. 249, s. 504.

Establish-
ment of
joint fire
departments

ESTABLISHMENT OF PARKS, GARDENS, ETC.

485.—(1) Upon the petition of three-fourths of the electors qualified to vote upon money by-laws, the council of a township in which a police village is situate may pass a by-law for acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council considers necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

Acquiring
land for
parks, exhi-
bitions, etc.

(2) The trustees have the care, control and management of such highway, park, garden or place.

Control and
management
of parks, etc.

(3) The council of the township may provide,

(a) that the money required for the purpose mentioned in subsection 1 shall be levied upon the rateable property in the village; or

Powers of
township
council as
to levying
cost of
parks, etc.

(b) that such money be raised by the issue of debentures of the corporation of the township.

(4) The by-law shall impose the special rate for the payment of the debentures upon the rateable property in the village.

Special rates

(5) The trustees shall annually, before the striking of the rate for the year by the council of the township, furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the highway, park, garden or place for exhibitions, and the same shall be levied upon the land in the village.

Statement as
to amount
required for
maintenance
of parks, etc.

Assent of electors not required

(6) The assent of the electors to a by-law passed under this section is not necessary. R.S.O. 1960, c. 249, s. 505.

Trustees to pass money by-laws where village situate in two or more townships

486.—(1) Where the village comprises parts of two or more townships, a by-law for the purposes mentioned in sections 482, 483 and 485 may be passed by the trustees, with the assent of the electors of the village qualified to vote on money by-laws, and for the purposes of such by-laws the trustees have all the powers of the council of a village, except the power to issue the debentures for the payment of the principal and interest.

Fixing proportion of debt to be borne by parts of village

(2) The by-laws shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 476 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 477.

Certified copy for each township

(3) If the by-law receives the assent of the electors, the trustees, after passing it, shall serve a certified copy of it upon the clerk of each of the townships.

By-law of township for raising money

(4) The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it is not necessary that such by-law receive the assent of the electors or impose any rate for the payment of the debentures.

Special rates

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. R.S.O. 1960, c. 249, s. 506.

SPECIAL POWERS

Special powers of trustees

487.—(1) The trustees have the like power to pass by-laws as is conferred on the council of a village with respect to,

- (a) driving or riding on roads and bridges, by paragraphs 55 and 56 of section 352;
- (b) public libraries, by paragraph 39 of section 352;
- (c) vehicles on sidewalks, by paragraph 58 of section 352;
- (d) pounds, by paragraphs 4 to 7 of subsection 1 of section 354;
- (e) removal of snow and ice, by paragraphs 55 and 56 of subsection 1 of section 354;

- (f) spitting on sidewalks, by paragraph 104 of subsection 1 of section 354;
- (g) horses and cattle upon sidewalks, by paragraph 103 of subsection 1 of section 354;
- (h) traffic on highways, etc., by paragraph 107 of subsection 1 of section 354;
- (i) tobacconists, by paragraph 2 of section 382;
- (j) bagatelle and billiard tables, by paragraph 1 of section 383;
- (k) exhibitions, places of amusement, etc., by paragraph 6 of section 383; and
- (l) trees on highways, by section 457.

(2) Where power is conferred to license, the licence fee shall be fixed by the trustees, and subsections 1, 4, 5, 6 and 7 of section 246 apply. Fixing amount of licence fee

(3) While a by-law passed under subsection 1 is in force, no by-law of the council of the township applicable to the same subject-matter applies to or is in force in the village. When by-law of township not to apply to village

(4) Where a by-law is passed under clause *e* of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to 200 lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village. R.S.O. 1960, c. 249, s. 507. Length of sidewalk to be cleared by owner

488.—(1) Every by-law of the trustees shall be signed by at least two of them. Authentication of by-laws

(2) A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of every township a part of which is comprised in the village. R.S.O. 1960, c. 249, s. 508. Certified copies to be sent to clerk of township

PREVENTION OF FIRE

489.—(1) Every proprietor of a house more than one storey high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a fine of \$1 for every omission, and a further fine of \$2 for every week for which such omission continues. For providing ladders, etc.

- Fire buckets (2) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a fine of \$1 for each bucket not so provided.
- Furnaces, etc. (3) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a fine of not more than \$2 for non-compliance.
- Stove pipes etc. (4) No person shall pass a stove pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the woodwork nearest thereto, and the pipe of every stove shall be inserted into a chimney, and there shall be at least ten inches in the clear between any stove and any lathed partition or woodwork, under a fine of \$2.
- Light in stables, etc. (5) No person shall enter a mill, barn, outhouse or stable with a lighted candle or lamp, unless it is well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a fine of \$1.
- Chimneys (6) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a fine of \$1.
- Securing fire carried through streets, etc. (7) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, unless such fire is confined in a copper, iron or tin vessel, under a fine of \$1 for the first offence, and of \$2 for every subsequent offence.
- Lighting fires on streets (8) No person shall light a fire in a street, lane or public place under a fine of \$1.
- Hay, straw, etc. (9) No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling house, under a fine of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there.
- Ashes, etc. (10) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a fine of \$1.
- Lime (11) No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a fine of \$1, and a further fine of \$2 a day until the lime has been removed, or is secured, so as to prevent any danger from fire, to the satisfaction of the inspecting trustee.
- Charcoal furnaces (12) No person shall erect a furnace for making charcoal of wood, under a fine of \$5. R.S.O. 1960, c. 249, s. 509.

GUNPOWDER

490.—(1) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a fine of \$5 for the first offence, and \$10 for every subsequent offence. Gunpowder, how to be kept

(2) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a fine of \$10 for the first offence, and of \$20 for every subsequent offence. Not to be sold at night R.S.O. 1960, c. 249, s. 510.

NUISANCES

491. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a fine of \$1, and a further fine of \$2 for every week for which he neglects or refuses to remove the same after being notified to do so by the inspecting trustee or by some other person authorized by him. Certain nuisances prohibited R.S.O. 1960, c. 249, s. 511.

PROSECUTIONS

492.—(1) It is the duty of the trustees to see that the provisions of sections 489, 490 and 491 are not contravened, and that offenders are prosecuted for beaches of them. Trustees required to prosecute offenders

(2) Any trustee who wilfully neglects or omits to prosecute an offender against any of the provisions of sections 489, 490 or 491, when requested so to do by a resident householder of the village who offers to adduce proof of the offence, and a trustee who wilfully neglects or omits to fulfil any other duty imposed on him by this Part, is liable to a fine of \$5. Penalty for neglect to prosecute R.S.O. 1960, c. 249, s. 512.

493. The fines imposed by or under the authority of this Part are recoverable under *The Summary Convictions Act*, all of the provisions of which apply except that proceedings for the recovery of fines for contraventions of sections 489 to 492 shall be commenced within ten days after the commission of the offence or, if it is a continuing offence, within ten days after it has ceased and not afterwards. Fines, how recoverable R.S.O. 1970, c. 450 R.S.O. 1960, c. 249, s. 513.

INCORPORATION OF TRUSTEES

494. Where the trustees of a police village have heretofore been created a body corporate, the corporation is hereby continued under its present name until dissolved. Present corporation continued 1965, c. 77, s. 36.

495.—(1) At its first meeting in each year, the board shall appoint one of its members to be the chairman, and shall also appoint a secretary. Appointment of chairman and secretary

(2) The chairman shall, if present, preside at all meetings of the board and in his absence the board shall appoint one of its Presiding officer

members to act as chairman during such absence. R.S.O. 1960, c. 249, s. 515.

Authentica-
tion of
by-laws

496.—(1) The by-laws of the board shall be signed by the chairman or acting chairman and shall be sealed with its seal.

Proof of
by-laws

(2) The provisions of this Act as to the proof of by-laws of a council apply to the by-laws of the board. R.S.O. 1960, c. 249, s. 516.

Repair and
maintenance
of improve-
ments and
works

497. The expenses of repairing and maintaining all works, improvements and services undertaken by the board under the authority of this Act shall be borne by the board, and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the board, in like manner as the money to be levied as provided by section 475. R.S.O. 1960, c. 249, s. 517.

Remedy over
of township
against
board for
damages
occasioned
by non-
repair

498.—(1) If the board makes default in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 427 for damages suffered by or occasioned to any person in consequence of such default, the corporation is entitled to the remedy over against the board provided for by section 434.

Special rate
for collection
of amount of
damages

(2) The amount required to satisfy the liability of the board shall be levied and collected by a special rate on the rateable property in the village, and it is the duty of the board to make a requisition in writing to the council of the township to levy and collect the same.

Apportion-
ment of
special rate

(3) Where a village comprises parts of two or more townships, the special rate shall be apportioned between the townships in the manner provided by section 477, and shall be levied and collected by the councils thereof in accordance with the requisition of the board. R.S.O. 1960, c. 249, s. 518.

Power to
construct
water, light,
heat, power
and gas
works

499.—(1) The board has the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works.

Copy of
by-law to be
filed with
township
clerk

(2) A copy of every by-law passed under the authority of subsection 1 shall be filed with the clerk of every township in which any part of the village is situate.

Special rates

(3) Where the village is situate in one township, the council of that township shall levy and collect the amount required to be raised under any such by-law by a special annual rate upon the rateable property in the village, and, where the village comprises parts of two or more townships, the council of each township shall

levy and collect the proportion of the amount to be raised by it by a special annual rate on the rateable property in that part of the village situate in such township.

(4) The proportion to be raised by each township shall be determined under section 477. Proportion of each township

(5) Where it is necessary to issue debentures for any of the purposes of this section, the township or townships in which the village is situate may issue debentures for its due proportion to be determined as aforesaid. R.S.O. 1960, c. 249, s. 519. Issue of debentures

500.—(1) The powers expressly conferred on boards of trustees of police villages are in addition to the powers conferred by this Part on trustees of a police village and, except where other provision is made by this Part with respect to such boards, all the provisions of this Part relating to trustees of police villages apply to such boards. Board to have all powers of trustees of a police village

(2) Sections 466, 468 and 469 apply *mutatis mutandis* to by-laws passed under the authority of this Part by a board of trustees of a police village. R.S.O. 1960, c. 249, s. 520. Power to impose fines, etc.

PART XXIII

IMPROVEMENT DISTRICTS

501.—(1) Every improvement district is subject to Part III of *The Department of Municipal Affairs Act*. R.S.O. 1960, c. 249, s. 521. R.S.O. 1970, c. 118, Part III, to apply

(2) Notwithstanding subsection 2 of section 30 of *The Department of Municipal Affairs Act*, where a local board as defined in that Act exercises any power or jurisdiction in another municipality or in territory without municipal organization as well as in an improvement district, such local board is not by reason only of subsection 1 subject to Part III of *The Department of Municipal Affairs Act*. 1968-69, c. 74, s. 30. Saving

502.—(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three or five trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant Governor in Council. R.S.O. 1960, c. 249, s. 522 (1); 1970, c. 135, s. 9 (1). Nature and status

(2) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 388 and 389, and the Remuneration of trustees

chairman shall be deemed to be a head of a council under section 211. 1965, c. 77, s. 37.

Special
provision
re trustees

(3) Where, in an improvement district, a secondary school district is established and a separate school is maintained, one of the trustees appointed under subsection 1 shall be a separate school supporter. R.S.O. 1960, c. 249, s. 522 (2).

Quorum

(4) A majority of the members of the board form a quorum. R.S.O. 1960, c. 249, s. 522 (3); 1970, c. 135, s. 9 (2).

Vacancies

(5) If a vacancy occurs on the board through death, resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant Governor in Council. R.S.O. 1960, c. 249, s. 522 (4).

Board
deemed to be
local board

R.S.O. 1970,
c. 118

(6) Except where otherwise provided by the Municipal Board, the members of the board, with respect to the improvement district, shall be the members of every local board within the meaning of *The Department of Municipal Affairs Act*, except a local board of health, a separate school board, a divisional board of education, or a board of a township school area that includes the whole or part of another municipality or territory without municipal organization. 1966, c. 93, s. 37; 1968, c. 76, s. 30.

Chairman

(7) The chairman of the board, with respect to the improvement district, has the powers and shall perform the duties of a mayor or reeve and the chairman of every local board of which the members are the members of the board of trustees and, when the improvement district forms part of a county for municipal purposes, he is a member of the county council.

Vice-
chairman

(8) The vice-chairman of the board, during the absence of the chairman through illness or otherwise or if the office of chairman is vacant, has all the powers and shall perform the duties of the chairman except that he shall not act in the place of the chairman on a county council. R.S.O. 1960, c. 249, s. 522 (6, 7).

Secretary-
treasurer

(9) The board shall appoint a secretary-treasurer who may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, has the powers and shall perform the duties of,

(a) the clerk, treasurer and collector of a municipality; and

(b) the secretary and treasurer of every local board of which the members are the members of the board of trustees. 1967, c. 55, s. 21, *amended*.

Secretary-
treasurer
eligible as
member of
county
council

(10) Where the secretary-treasurer is the chairman of the board, he is eligible to sit and vote as a member of the county council and clause *e* of subsection 1 of section 36 does not apply. R.S.O. 1960, c. 249, s. 522 (9).

503. Every improvement district may,

- (a) acquire and hold land within the improvement district for development purposes;
- (b) survey, clear, grade and subdivide such land;
- (c) undertake with respect to such land any undertaking, work, project, scheme, act, matter or thing that may be undertaken by a municipality under any Act;
- (d) sell, lease or otherwise dispose of such land; and
- (e) borrow money upon debentures for any of the purposes mentioned in clauses *a* to *d*.

Acquisition
of land for
development

R.S.O. 1960, c. 249, s. 524.

PART XXIV

MUNICIPAL TAXES

504. All municipal, local or direct taxes or rates shall, where no other express provision is made, be levied upon the whole of the assessment for real property, business or other assessments made under *The Assessment Act*, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions. 1968-69, c. 74, s. 31, *part*.

All taxes to
be levied
equally upon
all assess-
ments
R.S.O. 1970,
c. 32

505.—(1) Notwithstanding section 504, where taxes in a municipality on any lands in the municipality increase in any year in an amount exceeding 10 per cent of the taxes imposed on such lands in the preceding year, based on the same expenditures on which the levy was made in the preceding year, as a result of a different assessment generally of lands in the municipality, the municipality may apply to the Minister to be designated as a municipality to which this section applies.

Limiting
increase
in taxes
following
change in
assessment
basis

(2) The council of a municipality designated under subsection 1 may pass a by-law,

By-law

- (a) which shall set forth the amount of the increase or decrease in taxation on each separately assessed parcel of rateable property in the municipality resulting from the assessment and expenditures mentioned in subsection 1;
- (b) which shall limit the amount of the increases exceeding \$50 in taxation mentioned in clause *a* in the taxes to be levied in each year during a period of not more than five years;
- (c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause *b* be raised by reducing the amount of the decreases in taxation mentioned in clause *a* or by

charging it in whole or in part to the general funds of the municipality or by a combination of both.

Where
change in
use or
character

(3) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under subsection 2 inappropriate, the council may by by-law exclude such land from the application of the by-law passed under subsection 2.

Repeal of
by-law

(4) The Minister may order that any by-law passed under this section is no longer effective after a date specified in the order, which date may be retroactive. 1970, c. 56, s. 1.

Rateable
property,
what to
include

506. Where, in this or any other general or special Act or in any by-law passed under any such Act, the yearly rates or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, business or other assessment made under *The Assessment Act*. 1968-69, c. 74, s. 31, *part*.

R.S.O. 1970,
c. 32

County
councils to
apportion
sums
required
for county
purposes

507. Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and by by-law direct, what portions of such sum shall be levied in each township, town or village in such county or locality. 1968-69, c. 74, s. 31, *part*.

County clerk
to certify
amounts to
clerks of
municipalities

508. The county clerk shall forthwith after the county rates have been apportioned certify to the clerk of each municipality in the county the total amount that has been so directed to be levied therein for the then current year for county purposes or for the purposes of any such locality, and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. 1968-69, c. 74, s. 31, *part*.

Act not to
affect pro-
visions for
rates to
raise
interest on
county
debentures

509. Nothing in this Act or in *The Assessment Act* alters or invalidates any special provisions for the collection of a rate for interest on county debentures in any general or special Act or in any county by-law providing for the issue of debentures. 1968-69, c. 74, s. 31, *part*.

County rate

510.—(1) Notwithstanding any other provision in this Act or any other special or general Act, the imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county.

Local muni-
cipality to
levy county
rates on all
rateable
property

(2) When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality

forming part of a county for county purposes, the rate shall in the local municipality be calculated and levied upon and against the whole rateable property including business assessments within such local municipality according to the last revised assessment roll thereof. 1968-69, c. 74, s. 31, *part*.

511. The taxes due upon any land with costs may be recovered with interest as a debt due to the municipality from the owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and are a special lien on the land in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the municipality or of any agent or officer, or by want of registration. 1968-69, c. 74, s. 31, *part*.

Who liable
for taxes,
lien on
lands

512.—(1) The taxes payable by any person may be recovered with interest and costs as a debt due to the municipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the municipality, is *prima facie* evidence of the debt.

Recovery
of taxes
by action

(2) Notwithstanding any other provision in this Act and subject to section 76 of *The Assessment Act*, every person assessed in respect of business upon any assessment roll that has been revised by the Assessment Review Court or county judge is liable for any rates that may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised. 1968-69, c. 74, s. 31, *part*.

Liability for
taxes on
business in
case of
death or
change of
residence
R.S.O. 1970,
c. 32

513. Where taxes are due upon any land occupied by a tenant, the collector or, after the roll has been returned, the treasurer, may give the tenant notice in writing requiring him to pay such collector or treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs, and the collector or treasurer has the same authority as the landlord of the premises would have to collect the rent by distress or otherwise to the amount of the unpaid taxes and costs; but nothing in this section prevents or impairs any other remedy for the recovery of the taxes or any portion thereof from the tenant or from any other person liable therefor. 1968-69, c. 74, s. 31, *part*.

Paying rent
to collector
or treasurer
until taxes
paid

514. Any tenant may deduct from his rent any taxes paid by him that as between him and his landlord the latter ought to pay. 1968-69, c. 74, s. 31, *part*.

When tenant
may deduct
taxes from
rent

Provincial
taxes

515. All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of Ontario or other public officer for the public uses of Ontario, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collector's rolls in separate columns, in the heading whereof shall be designated the purpose of the rate. 1968-69, c. 74, s. 31, *part*.

Clerks of
municipalities to
make out
collector's
rolls, their
form, con-
tents, etc.
R.S.O. 1970,
c. 32

516.—(1) The clerk of every municipality shall make a collector's roll or rolls, as may be necessary, containing columns for all information required by this or any other Act to be entered by the collector therein, and in such roll or rolls he shall set down the name in full of every person assessed, and in the proper columns in that behalf the amount for which he is assessed in respect of his real property and otherwise under *The Assessment Act* as ascertained after the final revision of the assessment roll, and he shall calculate and, opposite the assessed value, he shall set down in one column to be headed "*County Rates*" the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "*General Rate*" the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the municipality for the purposes thereof, and including any special rate for collecting the principal or interest for the payment of debentures issued, and in other columns any local improvement rate or school rate or other special rate, or sums for the commutation of statute labour or any sum that is required by any other Act to be placed on the collector's roll the proceeds of which are required by law or by the by-law imposing it to be kept distinct and accounted for separately, and every such last-mentioned rate shall be calculated separately and the column therefore shall be headed "*Special Rate*," "*Local Improvement Rate*," "*Public School Rate*," "*Separate School Rate*," or "*Special Rate for School Debts*", or as the case may be.

Preparation
of collector's
roll
R.S.O. 1970,
cc. 385, 430

(2) Notwithstanding subsection 1 or *The Public Schools Act* or *The Separate Schools Act*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property and taxable business, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the council or school boards for the purposes thereof.

Collector's
roll,
mechanical
methods

(3) The form of the collector's roll may be varied to facilitate the use of,

- (a) mechanical methods in the preparation of the roll;
- (b) mechanical methods of accounting and bookkeeping and, where the methods in this clause are used, the treasurer may exercise the powers and perform the duties of the collector and the clerk in respect of the roll.

(4) Appended to every roll made up under subsection 2 there shall also be a table setting forth,

Information to be given in tables appended to rolls

- (a) the total amount of taxes to be collected under and by virtue of such roll or rolls; and
- (b) the name and amount of each rate levied by the municipality that is required by law or by the by-law imposing it to be kept distinct and accounted for separately and specifying the aggregate proceeds of each rate,

and the clerk shall, before delivering the roll to the collector, furnish to the treasurer of the municipality a copy of the table.

(5) Notwithstanding any other provision in this Act or any other Act, the council of any local municipality may by by-law provide that the clerk shall not enter on any collectors' roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes or where the owner is not liable to pay the taxes. 1968-69, c. 74, s. 31, *part, amended.*

Certain names to be omitted from collector's roll

517.—(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.

Minimum tax

(2) Where, immediately prior to the passing of a by-law by any municipality under subsection 1, lots therein owned by the same person were assessed together under paragraph 3 of subsection 2 of section 17 of *The Assessment Act*, such lots shall continue to be so assessed as long as they all remain the property of that person, provided that nothing in this subsection shall be deemed to apply to the amount at which such lots may be assessed.

Existing combined assessments to be continued R.S.O. 1970, c. 32

(3) Where, at any time after the passing of a by-law by any municipality under subsection 1, lots therein that adjoin one another are shown on the same registered plan and are owned by the same person, he may by notice in writing to the assessment

Requirement for combined assessment

commissioner require that such lots shall thereafter be assessed as one parcel and at one total amount of assessment during such time as he continues to be the owner. 1968-69, c. 74, s. 31, *part*.

Collector's
roll to be
certified by
clerk

518. The clerk shall attach to the roll a certificate signed by him according to the following form:

I do certify that the within (*or annexed, or attached, or as the case may be*) Roll is the Collector's Roll prepared according to the provisions of *The Municipal Act* for the.....
.....of.....
(*name of municipality*)
for the year 19.....

A.B.

Clerk of the.....

and shall deliver the roll so certified to the collector on or before the 1st day of September, or such earlier date as may be prescribed by by-law of the municipality. 1968-69, c. 74, s. 31, *part*.

Correction
of roll to
carry out
changes in
assessment
R.S.O. 1970,
c. 32

519. If alterations are made in the assessment roll, in accordance with the provisions of *The Assessment Act*, after the collector's roll or rolls for the municipality for the year for which such assessment has been made have been prepared, the clerk of the municipality shall alter or amend the collector's roll or rolls to correspond with such alterations, and insert the proper rates therefor, and the rates or taxes shall be collectable in accordance with such corrected rolls in the same manner and with the like remedies as if they had been in the rolls when first prepared and certified by the clerk of the municipality. 1968-69, c. 74, s. 31, *part*.

Duties of
collectors

520. The collector, upon receiving his roll, shall proceed to collect the taxes therein mentioned. 1968-69, c. 74, s. 31, *part*.

Notice of
taxes by
collector

521.—(1) In cities, towns, villages and townships, the collector shall give to the person taxed a written or printed notice specifying the amount of the taxes payable by him by delivering the notice or causing it to be delivered to him or for him at his residence or place of business or upon the premises in respect of which the taxes are payable, and may call on the person taxed at his usual residence or place of business if within the municipality in and for which the collector has been appointed and demand payment of the taxes.

How may
be given

(2) In cities, towns, villages and townships, the council may by by-law authorize the collector, clerk or treasurer to mail the notice or cause it to be mailed to the address of the residence or place of business of such person.

(3) The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 516. 1968-69, c. 74, s. 31, *part*.

Particulars
in tax
notice

522.—(1) The collector shall at the time of such demand or notice, as the case may be, or immediately thereafter, enter or cause to be entered on his roll opposite the name of the person taxed the date of such demand or of the delivery or mailing of the notice.

Entry of
date of
giving
notice

(2) Every person so entering any such date shall append his initials thereto, and the entry is *prima facie* evidence of such demand or notice. 1968-69, c. 74, s. 31, *part*.

Initials to
entries

523. If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by mail, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter or cause to be entered the date thereof in the roll opposite the name of such person, and the entry is *prima facie* evidence of the transmission and of the time thereof, and the statement and demand shall contain, written or printed on some part thereof, the name and post office address of the collector. 1968-69, c. 74, s. 31, *part*.

Proceedings
in case of
non-
residents

524.—(1) Instead of entering on the roll the date of the demand or of the delivery or mailing of the notice as required by sections 522 and 523, the collector may, at the time of such demand or notice, as the case may be, or immediately thereafter, make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the demands or notices in the roll or in the part were made, delivered or mailed.

Certificates
re dates of
delivering
notices

(2) Any such certificate is *prima facie* evidence of the making, delivery or mailing of such demand or notice. 1968-69, c. 74, s. 31, *part*.

Evidence

525. Where a person assessed furnishes the clerk with a notice in writing giving the address to which the notice of taxes may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice shall be so delivered by the collector who shall add the cost of the registration to the taxes, and such notice shall stand until revoked in writing. 1968-69, c. 74, s. 31, *part*.

Notice of
address for
tax bills

Certificate
re current
taxes

526. After taxes have been levied in any year, the collector shall upon demand give a certificate with respect to any assessment for real property or business assessment indicating that the taxes for the current year have been levied, the amount of the taxes and whether or not all or any part of such taxes have been paid. 1968-69, c. 74, s. 31, *part*.

By-laws
requiring
taxes to be
paid into
office of
treasurer or
collector

Payments
by instal-
ments

527.—(1) In cities, towns, villages and townships, the council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

Crown
property

(2) A by-law under subsection 1 may contain provisions with respect to the payment of taxes by tenants of lands owned by the Crown or in which the Crown has an interest, in which case the by-law shall provide that, where any such tenant has been employed either within or outside the municipality by the same employer for not less than thirty days, such employer shall pay over to the treasurer or collector on demand out of any wages, salary or other remuneration due to such employee the amount then payable for taxes under the by-law and such payment relieves the employer from any liability to the employee for the amount so paid.

Penalty
for non-
payment
of taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(4) In any municipality in which a by-law has not been passed under subsection 3, the council may by by-law impose a penalty not exceeding 4 per cent on all taxes of the current year remaining unpaid on the first day of default after the 15th day of September of the year in which the taxes are levied.

Discount or
interest on
payments
in advance

(5) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

(a) to allow a discount on any taxes so paid in advance at a rate not exceeding 8 per cent per annum and may allow

interest at a rate not exceeding 8 per cent per annum on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or

- (b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding 8 per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment roll on which such taxes are to be fixed and levied has not been revised and certified by the Assessment Review Court when any such advance payment is made, and a by-law passed under this subsection remains in force from year to year until it is repealed or amended.

- (6) If a by-law is passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 521 on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or the percentage charge imposed, if any, and at any time within fourteen days after such notice has first been given, in accordance with section 521, any person may take advantage of the provisions of such by-law as to payment by instalments or with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be.

Notice as
to time and
mode of
payment

- (7) Where, in accordance with this section, a percentage is added to unpaid taxes, the by-laws shall not be repealed before the return of the collector's roll.

By-law to be
in force until
return of
collector's
roll

- (8) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such chartered bank of Canada, trust company or Province of Ontario Savings Office as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

Provision
for payment
of taxes
into bank,
etc.

- (9) The council of any municipality may by by-law authorize the treasurer and the collector of taxes to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment, provided that acceptance of any such part payment does not affect the collection of any percentage charge imposed and collectable under subsection 3 in respect of non-payment of any taxes or any class of taxes or of any instalment thereof.

By-law to
authorize
part pay-
ment of
taxes due

Disposition
of part
payment of
taxes

(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.

Payment of
instalments
in areas

(11) The council of any municipality may by by-law divide the municipality into separate areas for the purposes of this Act, and in any by-law providing for the payment of taxes by instalments may for every such area name a different day within a fixed period of time for the payment of any instalment. 1968-69, c. 74, s. 31, *part.*

Distress and
sale for
taxes that
are a charge
on land

528.—(1) Subject to section 527, if taxes that are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to section 521, 523 or 527, the collector or, where there is no collector, the treasurer may by himself or his agent, subject to the exemptions and provisos hereafter mentioned in this section, levy them with costs by distress,

- (a) upon the goods and chattels, wherever found within the county in which the municipality lies, belonging to or in the possession of the owner or tenant of the land whose name appears upon the collector's roll (who is herein-after called "the person taxed");
- (b) upon the interest of the person taxed in any goods on the land, including his interest in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon performance of any condition;
- (c) upon the goods and chattels of the owner of the land found thereon, though his name does not appear upon the roll;
- (d) upon any goods and chattels on the land, where title to such goods and chattels is claimed in any of the following ways:
 - (i) by virtue of an execution against the person taxed or against the owner, though his name does not appear on the roll,
 - (ii) by purchase, gift, transfer or assignment from the person taxed, or from such owner, whether absolute or in trust, or by way of mortgage, or otherwise,
 - (iii) by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed, or of such owner, or by any relative of his, in case such relative lives on the land as a member of the family,
 - (iv) by virtue of any assignment or transfer made for the purpose of defeating distress,

provided that, where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or to such owner are not subject to seizure, and the possession by the tenant of such goods and chattels on the premises is sufficient *prima facie* evidence that they belong to him; provided also that no distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant; provided also that in cities and towns no distress for taxes in respect of vacant land shall be made upon goods or chattels of the owner except upon the land.

(2) Subject to section 527, in case of taxes that are not a lien on land remaining unpaid for fourteen days after demand or notice made or given pursuant to section 521, 523 or 527, the collector or, where there is no collector, the treasurer may by himself or his agent, subject to the exemptions provided for in subsection 4, levy them with costs by distress,

Distress for
taxes not a
lien on land

- (a) upon the goods and chattels of the person taxed wherever found within the county in which the municipality lies for judicial purposes;
- (b) upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition;
- (c) upon any goods and chattels in the possession of the person taxed where title to them is claimed in any of the ways defined by subclauses i to iv of clause d of subsection 1, and in applying such subclauses they shall be read with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom;
- (d) upon goods and chattels that at the time of making the assessment were the property and on the premises of the person taxed in respect of business assessment and at the time for collection of taxes are still on the same premises, notwithstanding that such goods and chattels are no longer the property of the person taxed.

(3) Notwithstanding subsections 1 and 2, no goods that are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the goods or of selling the goods upon commission or as agent shall be levied upon or sold for such taxes, and provided that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding-up order are liable only for the taxes of the assignor or of the company that is being wound up, and for the taxes upon the premises in which the goods were at the time of the assignment or

Case of
goods in
possession
of ware-
houseman,
assignee or
liquidator

winding-up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

Goods
exempt from
distress

(4) The goods and chattels exempt by law from seizure under execution are not liable to seizure by distress.

Exemption
to be
claimed

(5) The person claiming such exemption shall select and point out the goods and chattels as to which he claims exemption.

Levy of
taxes under
warrant

(6) If at any time after demand has been made or notice given pursuant to section 521, 523 or 527, and before the expiry of the time for payment of the taxes, the collector or, where there is no collector, the treasurer has good reason to believe that any person in whose hands goods and chattels are subject to distress under the preceding provisions is about to remove such goods and chattels out of the municipality before such time has expired and makes affidavit to that effect before the mayor or reeve of the municipality or before any justice of the peace, the mayor, reeve or justice shall issue a warrant to the collector or treasurer authorizing him to levy for the taxes and costs in the manner provided by this Act although the time for payment thereof may not have expired, and the collector or treasurer may levy accordingly.

City

(7) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part.

Costs

R.S.O. 1970,
c. 439

(8) The costs chargeable in respect of any such distress and levy are those payable to bailiffs under *The Small Claims Courts Act*.

Prohibition

(9) No person shall make a charge for anything in connection with any such distress or levy unless such thing has been actually done.

Penalty

R.S.O. 1970,
c. 92

(10) In case any person offends against the provisions of subsection 9 or levies any greater sum for costs than is authorized by subsection 8, the like proceedings may be taken against him by the person aggrieved as may be taken by the party aggrieved in the cases provided for by sections 2, 4 and 5 of *The Costs of Distress Act*.

Notice of
taxes where
goods under
seizure

(11) Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court or is claimed by or in possession of any assignee for the benefit of creditors or liquidator or of any trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it is sufficient for the tax collector to give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or authorized

trustee in bankruptcy shall pay the amount to the collector in preference and priority to any other and all other fees, charges, liens or claims whatsoever.

(12) Where the person making any such distress and levy is a salaried employee of the municipal corporation, the costs in respect of such distress and levy belong to the corporation. 1968-69, c. 74, s. 31, *part*.

Costs of distress, when to belong to corporation

529. No defect, error or omission in the form or substance of the notice required by section 521, 523 or 527 invalidates any subsequent proceedings for the recovery of the taxes. 1968-69, c. 74, s. 31, *part*.

Informalities not to invalidate subsequent proceedings

530. The collector or his agent, by advertisement posted up in at least three public places in the municipality or where there are wards in the ward wherein the sale of goods and chattels distrained is to be made, shall give at least six days notice of the time and place of the sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to realize the amount of the taxes and costs. 1968-69, c. 74, s. 31, *part*.

Public notice of sale

531. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. 1968-69, c. 74, s. 31, *part*.

Surplus, if unclaimed, to be paid to party in whose possession the goods were

532. If such claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant. 1968-69, c. 74, s. 31, *part*.

Surplus to admitted claimant

533. If the claim is contested, such surplus shall be paid by the collector to the treasurer of the municipality, who shall retain it until the respective rights of the parties have been determined by action or otherwise. 1968-69, c. 74, s. 31, *part*.

When the right to surplus contested

534.—(1) Subject to subsection 2, every collector shall return his roll to the treasurer on or before the 28th day of February in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

Dates for return of collector's roll

(2) The council of every city may by by-law fix the times for the return of the collector's rolls, and may make any enlargements of the time so fixed.

In cities

Collectors' interim returns in cities, towns and villages

(3) The collector of every city, town and village shall, until the final return of the roll, pay over to the treasurer of the city, town or village the amount of his collection once every week or more often if the council by by-law so requires.

Collectors' interim returns in townships

(4) The collector of every township shall, until the final return of the roll, pay over to the treasurer of the township the amount of his collections once every two weeks or more often if the council by by-law so requires.

Audit of collector's roll

(5) Every collector, on the request of the treasurer, shall deliver his roll, together with an account of all collections made, to the treasurer to be audited. 1968-69, c. 74, s. 31, *part*.

Oath of collector on returning roll

535.—(1) At or before the return of his roll, every collector shall make oath in writing that the date of every demand of payment or notice of taxes required by sections 521 to 527, and every transmission of statement and demand of taxes required by section 523 entered by him in the roll, has been truly stated therein.

Idem

(2) Every other person who has delivered or mailed a notice pursuant to section 521, 523 or 527 shall in like manner at or before the return of the roll make oath that the date of the delivery or mailing of every such notice by him has been truly stated in the roll.

Form of oath, etc.

(3) Every such oath may be according to Form 29 and shall be written on or attached to the roll and may be taken before the treasurer or before any justice of the peace having jurisdiction in the municipality or any commissioner for taking affidavits or any notary public for Ontario. 1968-69, c. 74, s. 31, *part*.

Failure of collector to collect

536.—(1) If the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as mentioned in section 534, the council may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with powers provided by law for the general levy and collection of taxes.

Duty as to return not affected

(2) No such resolution or authority alters or affects the duty of the collector to return his roll or in any manner invalidates or otherwise affects the liability of the collector or his sureties. 1968-69, c. 74, s. 31, *part*.

Proceedings when taxes unpaid

537.—(1) The treasurer shall, upon receiving the roll returned under section 534, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

(2) When the auditor gives a verification notice to each person mentioned in subsection 1, the treasurer is not obligated to comply with subsection 1. 1968-69, c. 74, s. 31, *part*.

Verification
notice

ARREARS OF TAXES

538.—(1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within thirty days after the time appointed for the return and final settlement of the collector's roll in every year furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the collector's roll or by school trustees to be collected.

Statement
to be
furnished
to county
treasurer

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer is not bound to receive any such statement after the 7th day of April in each year.

Contents of
statement

(3) The treasurer in such statement and both he and all other officers of the municipality shall from time to time furnish to the county treasurer such other information as the county treasurer may require and demand in order to enable him to ascertain the just tax chargeable upon any land in the municipality for that year. 1968-69, c. 74, s. 31, *part*.

Other
information

539. If two or more municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the county or other treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration is situate. 1968-69, c. 74, s. 31, *part*.

Municipalities
united and
afterwards
disunited,
etc.

540. The county or other treasurer shall not be required to keep a separate account of the several distinct rates that may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. 1968-69, c. 74, s. 31, *part*.

All arrears
to form one
charge upon
lands

541.—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished to the county treasurer the statement mentioned in section 538, arrears of taxes may be paid to such local treasurer; but, after such statement has been returned to the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

After return
of roll, who
to receive
taxes

Collection of arrears to belong to county treasurer only

(2) The collection of arrears thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 550. 1968-69, c. 74, s. 31, *part*.

Receiving payments on account of arrears

542. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after a warrant has issued for the sale of the land for taxes. 1968-69, c. 74, s. 31, *part*.

Lists of lands three years in arrears for taxes to be furnished to clerks

543.—(1) The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the treasurer of every such last-mentioned municipality shall furnish to the clerk of the municipality a list of all the lands in the municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year, and such list shall be so furnished on or before the 1st day of February in every year and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19...*"; and, for the purpose of the computation of such three years, the taxes for each year shall be deemed to have been in arrears on and from the 1st day of January in such year.

Treasurer to furnish supplemental list of lands no longer liable to be sold

(2) Where in any year the list referred to in subsection 1 has been furnished to the clerk of a municipality, the treasurer who furnished the list shall not later than the 15th day of September in that year, or such earlier date as the clerk may request in writing, furnish a supplemental list to the clerk showing thereon the lands, if any, included in the earlier list that at the date of the supplemental list are no longer liable to be sold for arrears of taxes. 1968-69, c. 74, s. 31, *part*.

Clerks to keep the lists in their offices open to inspection, give copy to Assessment Commissioner

544.—(1) The clerk of the municipality shall keep the list so furnished by the treasurer on file in his office, subject to the inspection of any person requiring to see it, and he shall also deliver a copy of such list in each year to the Assessment Commissioner, and it is the duty of the Assessment Commissioner to ascertain if any of the lots or parcels of land contained in such lists are incorrectly described and to notify the occupants and owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in

a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the Assessment Commissioner, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the Assessment Commissioner's return with the assessment roll and report any differences to the Assessment Commissioner for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file them in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

(2) Where in any year the clerk of a municipality is furnished with the supplemental list mentioned in subsection 2 of section 543, he shall forthwith deliver a copy thereof to the Assessment Commissioner and after its delivery subsections 1 and 3 cease to apply in respect of the lands shown on the supplemental list.

Assessment Commissioner to be furnished with copy of supplemental list of lands no longer liable to be sold

(3) The Assessment Commissioner shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following:

Assessment Commissioner's certificate

I do certify that I have examined or caused to be examined all the lots in this list named; and that I have entered or caused to be entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief.

1968-69, c. 74, s. 31, part.

545. If, on an examination of the return required under section 544 of lands liable to be sold for taxes, or otherwise, it appears to the treasurer that any land liable to assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 42 of *The Assessment Act*. 1968-69, c. 74, s. 31, part.

Proceedings where any land is found not to have been assessed

R.S.O. 1970, c. 32

546. Every clerk of a municipality who neglects to preserve the list of lands in arrears for taxes, furnished to him by the treasurer in pursuance of section 543, or to furnish copies of such lists, as required, to the Assessment Commissioner, and every Assessment Commissioner who neglects to examine or cause to be examined the lands entered on his list, and to make or cause to be

Offence for neglect to preserve list of lands in arrears for taxes

made returns in the manner hereinbefore directed, is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1968-69, c. 74, s. 31, *part*.

Apportion-
ment of
taxes where
land
assessed
in block

547.—(1) When it is shown to the Assessment Review Court or to the council of a municipality that taxes or rates are or have become due upon land assessed in one block, the Assessment Review Court or council, upon the application by the treasurer of the municipality or by or on behalf of any person claiming to be the owner of one or more parcels of the land, may, after notice of the application to all owners, direct the apportionment of the taxes or rates upon such parcels in proportion to their relative value at the time of the assessment, regard being had to all special circumstances, and the council may direct how any part payment made under section 542 is to be applied, and, upon payment of the apportionment assigned to any parcel, the payment shall be a satisfaction of the taxes or rates thereon, or the Assessment Review Court or the council, as the case may be, may make such other direction as the case may require, and the provision herein contained is retroactive in its operation, but does not apply to any lands that have been advertised for sale for taxes or rates.

Minute of
apportion-
ment for
treasurer

(2) Forthwith after an apportionment has been made, the clerk shall transmit a copy of the minute or resolution to the treasurer, who, upon receipt thereof, shall enter it in his books, and thereafter each lot or other subdivision of the land affected is liable only for the amount of taxes or rates apportioned thereto, and is only liable for sale for non-payment of the tax or rate so apportioned or charged against it. 1968-69, c. 74, s. 31, *part*.

Appeal

548. An appeal may be had to the Municipal Board by any owner or owners from any decision or apportionment made under section 547 and a like appeal may be had by the municipality from a decision or apportionment made by the Assessment Review Court under section 547. 1968-69, c. 74, s. 31, *part*.

Written
statement
of arrears

549.—(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge \$1 for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes. 1968-69, c. 74, s. 31, *part*.

Idem

(2) A statement given under subsection 1 is binding upon the municipal corporation and the amount charged for the search and statement belongs to the corporation and not to the treasurer. 1970, c. 135, s. 10.

Form

(3) Such certified statement may be according to Form 30. 1968-69, c. 74, s. 31, *part*.

550.—(1) The treasurer of every county shall keep a triplicate blank receipt book and, on receipt of any sum of money for taxes on land, shall deliver to the person making payment one of such receipts, and shall deliver to the treasurer of the local municipality in which the land is situate the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the treasurer of the local municipality at least every three months.

County treasurers, etc., to keep triplicate blank receipt books

(2) The county treasurer shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the person making payment, the lot on which payment is made, the amount paid, the date of payment and the number of the receipt, and the auditors shall examine and audit such books and accounts at least once in every twelve months.

Filing of receipts

(3) In cities, towns and other municipalities having power to sell lands for non-payment of taxes, the treasurer thereof shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit such books and accounts at least once in every year. 1968-69, c. 74, s. 31, *part*.

Treasurer to keep duplicate receipt book

551. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee or other municipal officer, the treasurer is not bound to accept it until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. 1968-69, c. 74, s. 31, *part*.

As to pretended receipt, etc.

552. The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears, from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall, on the 15th day of January in every year, complete and balance his books by entering against every parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year that remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. 1968-69, c. 74, s. 31, *part*.

Lands on which taxes unpaid to be entered in certain books by treasurer

553.—(1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were

Interest on tax arrears

levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding 1 per cent per month.

Interest,
etc., not to
be com-
pounded

(2) No interest or percentage added to taxes shall be compounded.

Interest,
etc., to form
part of
taxes

(3) Interest and percentages added to taxes form part of such taxes and shall be collected as taxes. 1968-69, c. 74, s. 31, *part*.

(NOTE.—*For procedure in lieu of tax sales in certain municipalities, see The Department of Municipal Affairs Act R.S.O. 1970, c. 118.*)

Sale of
lands for
taxes,
what lands
only to
be sold

554. The treasurer shall not sell any lands for taxes that have not been included in the list furnished by him pursuant to section 543 to the clerks of the municipalities in the month of January preceding the sale. 1968-69, c. 74, s. 31, *part*.

When lands
to be sold
for taxes

555.—(1) Where a part of the tax on any land is in arrear for three years as provided by section 543 and subject to section 554, the treasurer shall, unless otherwise directed by by-law of the council, submit to the warden of the county a list in duplicate of all the lands liable under this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the name and address of the owner, if known, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county and the other shall be returned to the treasurer with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding the treasurer to levy upon the land for the arrears due thereon, with his costs.

Treasurer
to have
power to
add arrears
accruing
after return

(2) In municipalities whose officers have power to sell lands for arrears of taxes, the treasurer may add to the taxes shown in the list of lands liable to be sold for taxes any taxes that have fallen due since those shown in the lists furnished by the treasurer to the clerk under section 543, and have been returned by the collector to him as provided in section 537, and such lands may be sold as if such last-mentioned taxes had been included in the statement furnished to him by the clerk under section 543. 1968-69, c. 74, s. 31, *part*.

Expenses
added to
arrears

556. The treasurer shall, in each case, add to the arrears his commission or other lawful charges, and the costs of publication. 1968-69, c. 74, s. 31, *part*.

By-law
extending
period of
three years,
etc.

557. The council of a county or municipality whose officers have power to sell lands for arrears of taxes may by by-law passed for that purpose, from time to time, direct that no warrant shall

issue for the sale of lands for taxes until after the expiration of a longer period than that provided by section 555, and may also direct that such lands only be included in the warrant as are chargeable with arrears exceeding a certain sum to be named in the by-law, and may also direct that only such lands be included in the warrant as belong to any classification mentioned in the by-law or are of the character mentioned therein. 1968-69, c. 74, s. 31, *part*.

558. In the list annexed to every warrant, the lands mentioned therein shall be distinguished as patented, unpatented, or under lease or licence of occupation from the Crown or municipality, and the interest therein, if any, of the Crown or of the municipality shall be specially mentioned. 1968-69, c. 74, s. 31, *part*.

Distinguishing lands in list annexed to warrant

559. The county treasurer may, from time to time, correct any clerical error that he discovers or that may be certified to him by the clerk of any municipality. 1968-69, c. 74, s. 31, *part*.

Correction of errors by treasurer

560. If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, he shall levy the arrears of taxes and the costs by distress, and has the same authority to collect by distress as a collector has under this Act, and section 528 applies thereto; but no sale of the land is invalid by reason of the treasurer not having distrained, though there were on the land goods and chattels liable to distress before or at the time of sale. 1968-69, c. 74, s. 31, *part*.

Where distress on premises, treasurer may distrain

561. A treasurer is not bound to make inquiry, before effecting a sale of land for taxes, to ascertain whether or not there is any distress upon the land, or to inquire into or form any opinion of the value of the land. 1968-69, c. 74, s. 31, *part*.

Treasurer's duty on receiving warrant to sell

562.—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant and shall add thereto in a separate column a statement of the proportion of costs chargeable on each lot for advertising and for his commission or other lawful charges, distinguishing therein any of such lands that are unpatented or under lease or licence of occupation from the Crown as "unpatented" or "under Crown lease" or "under Crown licence", as the case may be, and such list shall contain a notice that, unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place specified therein.

Treasurer to prepare list of lands to be sold

(2) Such list shall be published in *The Ontario Gazette* once during the month immediately preceding the period of time mentioned in section 563.

Publication

Publication
of list and
notice of
sale

(3) A notice, stating that copies of the list of lands for sale for arrears of taxes may be had in the office of the treasurer and that such list has been published in *The Ontario Gazette* on the day specified in such notice and that, unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place named therein, shall be published once a week for the thirteen weeks immediately preceding the day of sale in at least one newspaper published in the county or in the case of a union of counties in at least one newspaper published in each county of the union, or where the sale is to be held by the treasurer of a municipality in at least one newspaper published in the municipality and if no newspaper is published in the county or municipality then in at least one newspaper published in an adjacent county or municipality. 1968-69, c. 74, s. 31, *part*.

Time of
sale

563. The day of the sale shall be more than ninety-one days after the first publication of the list in *The Ontario Gazette*. 1968-69, c. 74, s. 31, *part*.

Notice to be
posted up

564. The treasurer of a county shall also post a printed copy of the list published in the newspaper in some convenient and public place at the court house of the county or district at least three weeks before the time of sale and the treasurer of a municipality other than a county shall also post a printed copy of such list in some convenient and public place at the place where the council of the municipality usually meets at least three weeks before the time of sale. 1968-69, c. 74, s. 31, *part*.

Tax sale
districts

565.—(1) For the purpose of tax sales, the Lieutenant Governor in Council may by order in council divide a provisional judicial district, and the council of any county may by by-law divide the county, into tax sale districts, each of which may contain one or more municipalities.

Place of
sales
therein

(2) The order in council or by-law may provide that thereafter the sales of land situate therein for arrears of taxes shall be held by the treasurer at such place in the tax sale district as may be named in the order in council or by-law.

Payment of
expenses

(3) Where any such order in council or by-law is passed, provision shall be made therein, or by further order in council or by-law, respecting the payment to the treasurer of his travelling and other expenses connected with his attending tax sales.

Advertis-
ement, what
to contain

(4) Every advertisement or notice of a tax sale shall state the name or number of the tax sale district and the place therein at which the sale will be held. 1968-69, c. 74, s. 31, *part*.

Adjourning
sale, if no
bidders

566. If at any time appointed for the sale of the lands no bidders appear, the treasurer may adjourn the sale from time to time. 1968-69, c. 74, s. 31, *part*.

567.—(1) If the full amount of the taxes for which the land was offered for sale has not been collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first, and, in offering or selling such lands, it is not necessary to describe particularly the portion of the lot that is to be sold, but it is sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes, and the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with 10 per cent added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 583, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Mode in which the lands shall be sold by the treasurer

(2) If the treasurer fails at such sale to sell any land for the full amount of taxes, including the full amount of commission and other lawful charges and costs added under section 556, he shall at such sale adjourn it until a day then to be publicly named by him, not earlier than a week nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such taxes; and the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with 10 per cent added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 583, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

When land does not sell for full amount of taxes

(3) If the price offered for any land at the adjourned sale is less than the full amount of the taxes for which the land was offered

Purchase by municipality

for sale and the charges and costs, or if no price is offered, it is lawful for the municipality to purchase the land for the amount due, provided that an appropriation has been made for the purpose and that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with 10 per cent added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 583, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the Assessment Review Court for such local improvement. 1968-69, c. 74, s. 31, *part*.

Mode of
selling land
for taxes

568.—(1) Notwithstanding section 567, the treasurer is not obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and, secondly, in payment of the taxes, including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the balance less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the balance, and it is the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the balance; provided that the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price, together with 10 per cent of the full amount of the taxes for which the land was offered for sale and of the expenses of sale added thereto, and together with the full amount of the charges for searches, postage

and notice provided for in subsection 2 of section 583, and the balance, if any, outstanding of the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 2 of section 567, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with 10 per cent added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 583, and together with the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3 of section 567.

(2) Any balance payable to the owner of the land sold or to any other person entitled thereto shall, if not claimed within six years after the sale, belong to the municipality absolutely. Unclaimed balances

(3) Where an appropriation has been made for the purpose, the municipality may purchase lands under this section. 1968-69, c. 74, s. 31, *part*. Purchase by municipality

569. If a purchaser fails to pay his purchase money immediately, the treasurer shall forthwith again put up the property for sale. 1968-69, c. 74, s. 31, *part*. When purchaser fails to pay purchase money

570.—(1) Where the Crown whether as represented by the Government of Canada or the Government of the Province of Ontario, or any tribe or body of Indians or any member thereof, has an interest in any land in respect of which taxes are in arrear, the interest only of persons other than the Crown, tribe or body of Indians or any member thereof, therein is liable to be sold for arrears of taxes. Land in which the Crown has an interest

(2) Where the treasurer so sells the interest of any person, it shall be distinctly expressed, in the tax deed to be made under this Act to the purchaser, that the sale is only of the interest of such person in the land, and, whether so expressed or not, the tax deed in no wise affects the interest or rights of the Crown or tribe or body of Indians or any member thereof in the land sold, and gives the purchaser the same interest and rights only in respect of the land as the person had whose interest is being sold. Tax deed not to affect interest of Crown

(3) Where the interest so sold of any person is that of a lessee, licensee or locatee, the tax deed is valid without requiring the Validity of tax deed

consent of the Minister of Lands and Forests. 1968-69, c. 74, s. 31, *part*.

Sales not to be made where taxes less than \$10, or no improvements made

571. No sale for taxes shall be made of unpatented land in the free grant districts where the taxes due thereon are less than \$10, if the lands have not been before the 27th day of May, 1893, advertised for sale, nor where no *bona fide* improvements have been made by or on behalf of the locatee. 1968-69, c. 74, s. 31, *part*.

Sale of interest of lessee or tenant of municipal property

572. If the treasurer sells any interest in land of which the fee is in the municipality in respect of which the taxes accrue, he shall only sell the interest therein of the lessee or tenant, and it shall be so distinctly expressed in the tax deed. 1968-69, c. 74, s. 31, *part*.

Sale of lands for taxes not to affect collection of other rates

573. No sale of lands for taxes or for rates under a drainage or local improvement by-law invalidates or in any way affects the collection of a rate that has been assessed against or imposed or charged upon such lands prior to the date of the sale, but that accrues or becomes due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. 1968-69, c. 74, s. 31, *part*.

Treasurer selling to give purchaser a certificate of land sold

574. The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the land to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 567 and 570, will be executed by the treasurer and warden on demand, at any time after the expiration of the period hereinafter provided for redemption. 1968-69, c. 74, s. 31, *part*.

Purchaser of lands deemed owner for certain purposes

575.—(1) The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the land from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Limitation of liability

(2) The purchaser is not liable for damage done to the property without his knowledge during the time the certificate is in force.

Repairs

(3) Where the purchaser is a municipality, it may make any expenditure necessary in order to keep the land in a proper state of

repair or to insure the land, and the amount thereof with interest as provided in section 553 may be added to the amount required to redeem the land, provided that the treasurer has sent at least one month before making such expenditure a notice containing the particulars of the proposed expenditure and an estimate of the cost thereof to each encumbrancer, if any, and to the registered owner by registered mail to the address of such encumbrancer or owner if known to the treasurer and, if such address is not known to the treasurer, then to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office. 1968-69, c. 74, s. 31, *part*.

576. From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser ceases to have any further right in or to the land in question. 1968-69, c. 74, s. 31, *part*. Effect of tender of arrears, etc.

577. Every treasurer is entitled to $2\frac{1}{2}$ per cent commission upon the sums collected by him, as aforesaid, except that, where the taxes against any parcel of land are less than \$10, the treasurer is entitled to charge, in lieu of his commission, 25 cents; but where the treasurer is paid a salary for his services such commission may, by arrangement with the council, be paid into the funds of the municipality like any other revenue of the municipality. 1968-69, c. 74, s. 31, *part*. Treasurer's commission

578. Where land is sold by a treasurer according to section 562 and the following sections of this Act, he may add the commission and other charges that he is authorized by this Act to charge for the services above-mentioned to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale of the arrears and costs incurred. 1968-69, c. 74, s. 31, *part*. Fees, etc., on sales of land

579. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with a sufficient certainty, and, if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground, and he may make search, if necessary, in the registry office to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, and the charges so incurred shall be included in the account and paid by the purchaser of the land sold or the person redeeming the land. 1968-69, c. 74, s. 31, *part*. Expenses of search in registry office for description, etc.

580. Except as hereinbefore provided, the treasurer is not entitled to any other fees or emoluments for any services rendered Treasurer entitled to no other fees

by him relating to the collection of arrears of taxes on lands. 1968-69, c. 74, s. 31, *part*.

Evidence of redemption

581. The treasurer shall give to the person paying redemption money a receipt stating the sum paid and the object of payment, and such receipt is evidence of the redemption. 1968-69, c. 74, s. 31, *part*.

Conveyance to former owner

582.—(1) Notwithstanding the other provisions of this Act or any other Act, where land that has been sold for taxes has been purchased by the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 2 of section 583 is, at any time with the approval of the Department, entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, penalties and interest had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance.

Further notice

(2) Notwithstanding subsection 1, the treasurer may, at any time after the expiration of ten years from the date of the sale, cause to be sent by registered mail, to each person to whom notice was sent under subsection 2 of section 583, a further notice that, if he does not apply for a conveyance of the land under subsection 1 and tender the payment required under subsection 1 within six months of the date the notice is sent, his right to do so will expire.

Cessation of rights under subs. 1

(3) If a person notified under subsection 2 does not apply for a conveyance and tender the payment required under subsection 1 within such six months, his right to do so ceases to exist. 1968-69, c. 74, s. 31, *part*.

Treasurer to search title

583.—(1) Within ninety days from the day of sale, the treasurer shall, if the land is not previously redeemed, make or cause to be made search in the registry office and in the sheriff's office to ascertain whether or not there are mortgages or other encumbrances affecting the land sold and who is the registered owner of the land.

Notice to encumbrancer and owner

(2) The treasurer shall, within the said period of ninety days from the day of the sale, if the land is not previously redeemed, send by registered mail to each encumbrancer, if any, and to the registered owner, to the address of such encumbrancer or owner as it appears at that time in the records of the municipality in which the land is situated or, if such address does not appear in any of the records of such municipality or is not known to the treasurer, to any address of such encumbrancer or owner appearing in the

records of the registry office or sheriff's office, a notice stating that the land has been sold for taxes, the date of the sale, and that the encumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and 25 cents for the notice, the amount aforesaid to be specified in the notice.

(3) Before sending the notice mentioned in subsection 2, the treasurer shall ascertain from the treasurer of the municipality in which the land is situated the address of each owner and encumbrancer as it appears in the records of such municipality, and the treasurer of the local municipality shall supply such address or addresses to the county treasurer upon the request of the county treasurer.

County treasurer to ascertain address of owner, etc.

(4) Where a notice has been sent under subsection 2 to a corporation, the treasurer shall, within the time limit in subsection 2, send by registered mail to the Public Trustee a copy of the notice so sent.

Copy of notice to Public Trustee

(5) The treasurer shall, within ninety days from the date of sale, register in the registry office a written notice signed by him stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the land.

Registration of notice of sale

(6) The notice mentioned in subsection 5 shall have attached thereto or endorsed thereon a statutory declaration of the treasurer setting forth the names and addresses of all persons to whom he has sent the notice required by subsection 2 and the date of sending the notice to each such person.

Registered notice to be verified by affidavit as to sending of notices

(7) If within the time aforesaid payment of the amount is made by any such encumbrancer or by the owner of the land, the treasurer shall give to the person making the payment a receipt stating the sum paid and the object of the payment, and it is evidence of the redemption, and any encumbrancer making the payment may add the amount to his debt.

Receipts if arrears paid

(8) In case of payment by the owner, the receipt shall be given to him and, in case of payment by one or more encumbrancers and not by the owner, the receipt shall be given to that encumbrancer who is first in priority, and the amount paid by other persons shall be repaid to them.

Who to be entitled to receipt

(9) If under subsection 5 a notice of sale of land for taxes has been registered and the land is redeemed, the treasurer shall, upon payment of the redemption money, deliver to the person paying the money a receipt signed by himself stating therein a descrip-

Receipt of redemption

tion of the land redeemed, the person who redeemed the land and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer.

Execution
and delivery
of deed

(10) If the redemption money is not paid within the time aforesaid, the treasurer upon payment of such charges for searches, postage and notice and \$1 for the deed shall with the warden execute and deliver to the purchaser or his assigns or other legal representatives a tax deed in duplicate of the land sold.

Deed may
include
several lots

(11) Such deed, if requested, may include any number of lots that are to be conveyed to the same person.

Late searches
and notices

(12) In any case where the treasurer fails to comply with the provisions of subsection 1 or 2 as to the time from the day of sale within which a search in the registry office and sheriff's office is made or notices to any encumbrancer and to the registered owner are sent, he may subsequently make or cause to be made the said search and send the notice, provided that in such case the time for redemption shall be within nine months from the day upon which the notice is sent and the notice shall so state. 1968-69, c. 74, s. 31, *part*.

Interpre-
tation

584. The words "treasurer" and "warden" in section 583 mean the person who at the time of the execution of the deed mentioned in that section holds such office. 1968-69, c. 74, s. 31, *part*.

Application
of redemp-
tion money

585.—(1) Out of the redemption money, the treasurer shall pay to the purchaser, not being the municipality, or his assigns or other legal representatives,

- (a) the sum paid by him together with 10 per cent of the full amount of the taxes for which the land was offered for sale; or
- (b) if the sum paid by the purchaser was less than the amount of taxes for which the land was offered for sale, the sum paid by him together with 10 per cent of such sum,

and the balance less the lawful costs, charges and expenses of the treasurer belongs to the municipality.

Where muni-
cipality is
purchaser

(2) Where the municipality is the purchaser, the whole of the redemption money belongs to it less the lawful costs, charges and expenses of the treasurer. 1968-69, c. 74, s. 31, *part*.

Contents of
deed and
effect
thereof

586.—(1) The tax deed shall be according to Form 31, or to the same effect, and shall state the date and cause of the sale, and the price, and shall describe the land according to section 579, and has the effect of vesting the land in the purchaser, his heirs,

assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, and no such deed is invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or "held under a licence of occupation" or "held under lease" or otherwise.

(2) Notwithstanding subsection 1, a tax deed is not valid unless there is affixed thereto a statutory declaration of the treasurer that he has sent to the encumbrancers and registered owner the notice as provided in section 583, and such declaration shall form part thereof, and, where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made. 1968-69, c. 74, s. 31, *part*.

Declaration
of
treasurer

587. The treasurer shall enter in a book, which the county council or council of the city or town, as the case may be, shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall together with all documents relating to lands sold for taxes be kept by him among the records of his office. 1968-69, c. 74, s. 31, *part*.

Treasurer
to enter in
a book
descriptions
of lands
conveyed to
purchasers

588. If any part of the taxes for which any land has been sold in pursuance of any Act heretofore in force in Ontario or of this Act had at the time of the sale been in arrear for three years as mentioned in section 543, and the land is not redeemed in one year after the sale, such sale, and the official deed to the purchaser (provided the sale was openly and fairly conducted) is, notwithstanding any neglect, omission or error of the municipality or of any agent or officer thereof in respect of imposing or levying such taxes or in any proceedings subsequent thereto, final and binding upon the former owner of the land and upon all persons claiming by, through or under him, it being intended by this Act that the owner of land shall be required to pay the taxes thereon within three years after the taxes are in arrear or redeem the land within one year after the sale thereof, and, in default of the taxes being paid or the land being redeemed as aforesaid, the right to bring an action to set aside the deed or to recover the land is barred. 1968-69, c. 74, s. 31, *part*.

Deed to be
binding if
land not
redeemed in
one year

589. Where land is sold for taxes and a tax deed thereof has been executed, the sale and the tax deeds are valid and binding, to all intents and purposes, except as against the Crown, unless questioned before some court of competent jurisdiction within two years from the time of sale. 1968-69, c. 74, s. 31, *part*.

Deed valid
if not
questioned
within a
certain time

Certain
treasurer's
deeds not to
be invalid if
the sale is
valid

590. In all cases where land has been validly sold for taxes, the conveyance by the officer who made the sale, or by his successors in office, is not invalid by reason of the statute under the authority whereof the sale was made having been repealed at or before the time of such conveyance, or by reason of the officer who made the sale having gone out of office. 1968-69, c. 74, s. 31, *part.*

Rights of
entry ad-
verse to tax
purchaser

R.S.O. 1970,
c. 85
Common
Law and
32 H. VIII,
c. 9, ss. 2,
4 and 6,
revived

591. In all cases where land is sold for arrears of taxes whether such sale is or is not valid, then so far as regards rights of entry adverse to a *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, section 10 of *The Conveyancing and Law of Property Act* does not apply, to the end and intent that in such cases the right or title of a person claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII, and chaptered 9, be revived, and the same are and shall continue to be revived. 1968-69, c. 74, s. 31, *part.*

Adjustment
of damages
when sale
held to be
invalid

592.—(1) In all cases not being within any of the exceptions and provisions of subsection 3, where land having been legally liable to be assessed for taxes is sold for arrears of taxes, then, in case an action is brought for the recovery of the land and the sale is held to be invalid, damages shall be assessed for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid by the defendant in respect of the lands since the sale and interest thereon, and of the value of any improvements made by the defendant before the commencement of the action, or by any person through or under whom he claims, less all just allowances for the timber sold off the lands, and all other just allowances to the plaintiff, and the value of the land to be recovered shall also be assessed less the value of any such improvements.

Plaintiff
to pay
damages
into court
before writ
of possession
issues, or
tax pur-
chaser may
elect to
retain the
land on
paying its
value

(2) If a judgment is pronounced for the plaintiff, no writ of possession shall issue until the expiration of one month thereafter nor until the plaintiff has paid into court for the defendant the amount of such damages, or, if the defendant desires to retain the land, he may retain it, on paying into court within such period of one month, or on or before any subsequent day to be appointed by the court, the value of the land as assessed at the trial; after which payment no writ of possession shall issue, but the plaintiff, on filing in court for the defendant a sufficient release and conveyance to the defendant of his right and title to the land in question, is entitled to the money so paid in by the defendant.

When
section not
to apply

(3) This section does not apply,

- (a) if the taxes for non-payment whereof the land was sold have been fully paid before the sale; if taxes paid before sale
- (b) if, within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to the redemption of the lands; if land redeemed
- (c) where, on the ground of fraud or evil practice by the purchaser at such sale, a court would grant equitable relief. 1968-69, c. 74, s. 31, *part*. in case of fraud

593.—(1) In any of the cases named in section 592, wherein the plaintiff is not tenant in fee simple, the payment into court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the Supreme Court, and the plaintiff and all parties entitled to and interested in the lands, as against the purchaser at such sale for taxes, on filing in the Supreme Court a sufficient release and conveyance to the defendant of their respective rights and interests in the land, are entitled to the money so paid in such proportions and shares as to the Supreme Court, having regard to the interests of the various parties, seems proper. Where the plaintiff is not tenant in fee, the value of the land to be paid into Supreme Court

(2) In any of such cases wherein the defendant is not tenant in fee simple, the payment of damages into court to be made as aforesaid by the plaintiff shall be into the Supreme Court. 1968-69, c. 74, s. 31, *part*. Payment into court where the defendant is not tenant in fee

594.—(1) If the defendant does not pay into court the value of the land assessed as aforesaid, within the period of one month, or on or before any subsequent day appointed by the court, as mentioned in subsection 2 of section 592, any other person interested in the land under the sale or conveyance for taxes may, within ninety days after the date of the pronouncing of the judgment mentioned in subsection 2 of section 592, or before any subsequent day appointed by the court as mentioned in that subsection for payment by the defendant, pay into the court the said value of the land, and until the expiration of the time within which such payment may be made, and after such payment, no writ of possession shall issue. Any other person interested may pay in value assessed if defendant does not

(2) The defendant or other person so paying in is entitled, as against all others interested in the land under the sale or conveyance for taxes, to a lien on the land for such amount as exceeds the proportionate value of his interest enforceable in such manner and in such shares and proportions as to the Supreme Payer to have lien for such proportion as exceeds his interest

Court, having regard to the interests of the various parties, and on hearing the parties, seems fit. 1968-69, c. 74, s. 31, *part*.

How owner
can obtain
value of
the land
paid in

595. If the defendant or any other person interested pays into court in manner aforesaid, the plaintiff is entitled to the amount so paid in on filing in court a sufficient release and conveyance to the person so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such person to secure his lien as aforesaid. 1968-69, c. 74, s. 31, *part*.

How the
value of im-
provements,
etc., paid in
can be
obtained

596. If the value of the land is not paid into court as above provided, the damages paid into the Supreme Court shall be paid out to the various persons who, if the sale for taxes were valid, would be entitled to the land, in such shares and proportions as to the Supreme Court, having regard to the interests of the various parties, seems fit. 1968-69, c. 74, s. 31, *part*.

Provisions
as to costs
where value
of the land
and im-
provements,
etc., only in
question

597.—(1) In all actions for the recovery of land in which both the plaintiff (if his title were good) would be entitled in fee simple, and the defendant (if his title were good) would be also so entitled, if the defendant at the time of appearing gave notice in writing to the plaintiff in such action or to his solicitor named in the writ of the amount claimed, and that on payment of such amount the defendant or person in possession will surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay the court a sum mentioned in such notice as the value of the land, and that the defendant did not intend at the trial to contest the title of the plaintiff, and if the jury, or the judge, if there be no jury, before whom the action is tried, assesses damages for the defendant as provided in sections 592 to 596 and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or to obtain damages, the judge before whom the action is tried shall certify such fact upon the record, and thereupon the defendant is entitled to the costs of the defence in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

Provisions
as to costs
in certain
cases

(2) If on the trial it is found that such notice was not given as aforesaid, or if the judge or jury assesses for the defendant a less amount than that claimed in the notice, or finds that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the land) that the value of the land is greater than the amount mentioned in the notice, or that he has omitted to pay into court the amount mentioned in the notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the

value of the land, the judge shall not certify, and the defendant is not entitled to the costs of the defence, but shall pay costs to the plaintiff and, upon the trial of any action after such notice, no evidence shall be required in proof of the title of the plaintiff. 1968-69, c. 74, s. 31, *part*.

598. In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser has a lien on the lands for the purchase money paid at the sale, and interest thereon at the rate of 10 per cent per annum, and for the taxes paid by him since the sale and interest thereon at the rate aforesaid, to be enforced against the land in such proportions as regards the various owners and in such manner as the Supreme Court thinks proper. 1968-69, c. 74, s. 31, *part*.

Tax purchaser without other remedy whose title is invalid to have a lien for purchase money, etc.

599. No valid contract entered into between any tax purchaser and original owner, in regard to any land sold or assumed to have been sold for taxes as to purchase, lease or otherwise, is annulled or interfered with by this Act, but such contract and all consequences thereof, as to admission of title or otherwise, remain in force as if this Act had not been passed. 1968-69, c. 74, s. 31, *part*.

Contracts between tax purchaser and original owner continued

600. Nothing in sections 591 to 599 affects the right or title of the owner of any land sold for taxes, or of any person claiming through or under him, where such owner at the time of the sale was in occupation of the land, and the land has since the sale been in the occupation of such owner or of those claiming through or under him. 1968-69, c. 74, s. 31, *part*.

Sections 591 to 599 not to apply where the owner has occupied since sale

601. In the construction of sections 590 to 600, occupation by a tenant shall be deemed the occupation of the reversioner, and the words "tax purchaser" apply to any person who purchases at any sale under colour of any statute authorizing sale of land for taxes and includes and extends to all persons claiming through or under him, and the words "original owner" include and extend to any person who, at the time of such sale, was interested in or entitled to the land sold, or assumed to be sold, and to all persons claiming through or under him. 1968-69, c. 74, s. 31, *part*.

Construction of "tax purchaser", "original owner"

602. Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a municipality as defined in that Act, it is not necessary for the treasurer or other officer of the municipality to furnish to the county treasurer or sheriff any of the information or statements required under this Act in respect of tax arrears, and the powers and duties of the warden or treasurer of a county or sheriff under this Act in respect of tax arrears and tax sales do not apply in respect of the municipality,

Where tax arrears procedures of R.S.O. 1970, c. 118, in effect

and all the powers and duties of the county treasurer or sheriff in respect of arrears of taxes are vested in the treasurer of the municipality. 1968-69, c. 74, s. 31, *part*.

Collection
of arrears
of taxes
in cities
and towns

603. In cities and towns, arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities, and for such purposes the municipal officers of cities and towns shall perform the same duties and have the same powers as the like officers in other municipalities under sections 538 to 601, and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively and have the like powers, and words referring to the county treasurer or warden shall as to a city or town be taken and deemed to refer to the mayor and treasurer of such city or town, provided that in cities and towns the performance of any such duty after the date or within a longer time than hereinbefore set out does not render any proceedings under this Act invalid or illegal so long as the provisions of this Act are in other respects duly complied with. 1968-69, c. 74, s. 31, *part*.

County
by-law
extending
application
of s. 603

604. The council of a county may by by-law declare that all the powers conferred upon cities and towns by section 603 or any of the sections referred to in that section, and all duties imposed by such sections upon the officers of such cities and towns and the mayors thereof, shall thereafter apply to any township or village named in the by-law, and thereupon such powers conferred and such duties imposed by such sections are vested in and apply respectively to the corporation of such township or village and to the officers and reeve or other head thereof in the same manner and to the same extent as in the case of cities and towns and the officers and mayors thereof. 1968-69, c. 74, s. 31, *part*.

Collection of
taxes and
sales of land
for taxes in
districts

605. Arrears of taxes due to the corporation of any municipality in a provisional judicial district shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and head of such municipality shall perform the like duties in the collection and management of arrears of taxes as are performed in a county by the treasurer and warden. 1968-69, c. 74, s. 31, *part*.

Where
deficiency
occurs

606. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of

taxation of a telephone company under section 11 of *The Assessment Act*, the council shall charge back a proportionate share thereof to every such body, provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act*. 1968-69, c. 74, s. 31, *part*; 1970, c. 135, s. 11.

R.S.O. 1970,
c. 32

607. Upon the incorporation of a new town in a county, the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town and shall transmit the list to the treasurer of the town, who after receipt thereof has, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in the list the county treasurer shall not include any lot then advertised for sale for taxes. 1968-69, c. 74, s. 31, *part*.

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer

608. In cases where a new local municipality is formed from two or more municipalities or portions of two or more municipalities situated in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township or village, or if the new municipality is a town, by the treasurer of such town, and, for the purpose of enabling him to make the collection, the treasurer or the treasurers of the other county or counties from which any portion of the new municipality is detached shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the lists to the treasurer of the county in which the new municipality is situate, or of the town as the case may be, and, where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. 1968-69, c. 74, s. 31, *part*.

Arrears of taxes, how collected where new municipality formed

609. The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, have power, respectively, to take for the collection of such arrears of taxes all the proceedings that treasurers and wardens or treasurers and mayors can take for the sale and conveyance of land in arrears for taxes, and, if the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if the new municipality had not been formed. 1968-69, c. 74, s. 31, *part*.

Who may take proceedings to enforce collection

Proceedings
where re-
turns made
to treasurer
before
separation

610. Where a municipality or part of a municipality has been or is hereafter separated from one county and included in another after a return has been made to the treasurer of the county to which it formerly belonged of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised, and the treasurer and warden of the county to which the territory belongs have power respectively to take all the proceedings that treasurers and wardens can take under this Act for the sale and conveyance of lands in arrear for taxes; but, if the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyances of lands previously sold shall be made in like manner. 1968-69, c. 74, s. 31, *part.*

Sales for
taxes on
lands that
have been
annexed to
city or
separated
town

611. Where a municipality or any part of a municipality has been or is hereafter separated from a county and included in a city or town separated from the county for municipal purposes, after a return has been made to the treasurer of the county of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the county, such treasurer shall return to the treasurer of the city or town a list of all the lands within such territory returned as in arrear for taxes and not advertised, and the treasurer and mayor of the city or town have the power to take all the proceedings that treasurers and wardens can take under this Act for the sale and conveyance of lands in arrear for taxes; but, if the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyances of lands previously sold shall be made in like manner. 1968-69, c. 74, s. 31, *part.*

Provision
as to
easements
attaching
to dominant
tenement

612.—(1) Where land sold for arrears of taxes was a dominant tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements appurtenant thereto shall be deemed to have passed to the purchaser.

Provision
as to
easements
affecting
servient
tenement

(2) Where land sold for arrears of taxes was a servient tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements to which the land was subject are not affected by the sale.

Restrictive
covenant

(3) For the purposes of this section, a restrictive covenant running with the land shall be deemed to be an easement.

(4) Nothing in this section in any way affects or defeats the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered. 1968-69, c. 74, s. 31, *part*.

Savings as to rights of Crown

613.—(1) Where land, the mining rights in which are liable for acreage tax under *The Mining Act*,

Effect of tax sale or tax certificate registration

(a) is sold for taxes under this Act; or

(b) is vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act*,

R.S.O. 1970, c. 274, 118

on or after the 1st day of April, 1954, such sale or vesting creates a severance of the surface rights from the mining rights, and only the surface rights in the land pass to the tax sale purchaser or vest in the municipality or school board, as the case may be, and the sale or registration does not in any way affect the mining rights.

(2) Notwithstanding subsection 1 or anything else in this or any other Act but subject to any forfeiture to the Crown legally effected under *The Mining Tax Act* or its predecessor, where land the mining rights in which were liable for acreage tax under *The Mining Tax Act* or its predecessor,

before April 1, 1954
R.S.O. 1970, c. 275

(a) was sold for taxes under this Act or its predecessor; or

(b) was vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act* or its predecessor,

R.S.O. 1970, c. 118

before the 1st day of April, 1954, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality or school board, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality or school board, as the case may be, without severance, both the surface and mining rights.

(3) Where lands mentioned in subsection 1 or 2 are, under the provisions of this Act or *The Department of Municipal Affairs Act*, vested in a mining municipality designated under section 28 of *The Assessment Act*, the Crown in right of Ontario may purchase such lands at a price not exceeding \$3 an acre. 1968-69, c. 74, s. 31, *part*.

Purchase by Crown of lands vested in municipalities under subss. 1, 2
R.S.O. 1970, c. 32

RESPONSIBILITY OF OFFICERS

614. Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him by this Part, for which no other penalty is imposed, is guilty of an offence and on

Offence for officers failing to perform their duty

summary conviction is liable to a fine of not more than \$100. 1968-69, c. 74, s. 31, *part*.

Offence for
fraudulent
collection,
etc.
R.S.O. 1970,
c. 32

615. Every clerk, treasurer or collector, and every assistant or other person in the employment of the municipality, acting under this Part or *The Assessment Act* who makes a fraudulent collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts or permits to be inserted therein the name of any person that should not be entered, or fraudulently omits or allows to be omitted the name of any person that should be entered, or wilfully omits any duty required of him by this Part or *The Assessment Act* is guilty of an offence and on summary conviction is liable to a fine of not more than \$200, or to imprisonment for a term of not more than six months, or to both. 1968-69, c. 74, s. 31, *part*.

Proceedings
for
compelling
collectors
to pay over
moneys
collected to
the proper
treasurer

616. If a collector refuses or neglects to pay the sums contained in his roll to the proper treasurer or other person legally authorized to receive the same, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant under his hand and seal directed to the sheriff of the county or city, as the case may be, commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. 1968-69, c. 74, s. 31, *part*.

Warrant to
be delivered
to sheriff,
etc.

617. The treasurer shall immediately deliver the warrant to the sheriff of the county or city, as the case may require. 1968-69, c. 74, s. 31, *part*.

Sheriff to
execute
warrant and
pay money
levied

618. The sheriff to whom the warrant is directed shall, within forty days, cause the warrant to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of courts of record. 1968-69, c. 74, s. 31, *part*.

Mode of
compelling
sheriff
to pay over

619. If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the money, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the Supreme Court or a judge thereof for an order *nisi* or summons calling on the sheriff to answer the matter of the affidavit. 1968-69, c. 74, s. 31, *part*.

When re-
turnable

620. The order *nisi* or summons is returnable at such time as the court or judge directs.

621. Upon the return of the order *nisi* or summons, the court or judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matter of the application. 1968-69, c. 74, s. 31, *part.*

Hearing
on return

622. If the court or judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the court or judge shall order the proper officer of the court to issue a writ of *fi. fa.*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town, as the case may be, for which the collector is in default. 1968-69, c. 74, s. 31, *part.*

Fi. fa. to
the coroner
to levy the
money

623. The writ shall direct the coroner to levy of the goods and chattels of the sheriff the sum that the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution, and the writ shall bear date on the day of its issue, and is returnable forthwith on its being executed, and the coroner, upon executing the writ, is entitled to the same fees as upon a writ grounded upon a judgment of the court. 1968-69, c. 74, s. 31, *part.*

Tenor of
such writ
and
execution
thereof

624. Every sheriff who wilfully omits to perform any duty required of him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1968-69, c. 74, s. 31, *part.*

Offence for
sheriff
neglecting to
perform duty

625. All money assessed, levied and collected for the purpose of being paid to the Treasurer of Ontario, or to any other public officer, for the public uses of Ontario, or for any special purpose or use mentioned in the Act under which the money is raised, shall be assessed, levied and collected by, and accounted for and paid over to, the same persons, in the same manner and at the same time as taxes imposed on the same property for county, city or town purposes and shall be deemed and taken to be money collected for the county, city or town, so far as to charge every collector or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of money assessed, levied and collected for the use of the county, city or town. 1968-69, c. 74, s. 31, *part.*

Payment
of money
collected
for the
Province

626. All money collected for county purposes or for any of the purposes mentioned in section 625 is payable by the collector to the township, town or village treasurer, and by him to the county treasurer, and the corporation of the township, town or village is responsible therefor to the corporation of the county. 1968-69, c. 74, s. 31, *part.*

How money
collected for
county
purposes to
be paid over

Collectors or
treasurers
bound to
account for
all money
collected
by them

627. Any bond or security given by the collector or treasurer to the corporation of the township, town or village, to account for and pay over all money collected or received by him, applies to money collected or received for county purposes or for any of the purposes mentioned in section 634. 1968-69, c. 74, s. 31, *part*.

Local
treasurer to
pay over
county
moneys to
county
treasurer

628.—(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys that were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 627, and, in case of non-payment of such moneys or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 12 per cent per annum from such date until payment is made. 1968-69, c. 74, s. 31, *part*; 1970, c. 135, s. 12 (1).

Reduced
penalty
rate and
allowance of
discount for
prepayment

(2) The council of a county may by by-law provide for a rate of interest of less than 12 per cent per annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the moneys are payable. 1968-69, c. 74, s. 31, *part*; 1970, c. 135, s. 12 (2).

Mode of
enforcing
such
payments

629. If default is made in such payment, the county treasurer may retain or stop a like amount out of any money that would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or, where the same has been in arrear for three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount due with interest and costs from the municipality in default. 1968-69, c. 74, s. 31, *part*.

How sheriff
to make
levy
R.S.O. 1970,
c. 152

630. The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs, in the same manner as is provided by *The Execution Act* in the case of executions against municipal corporations. 1968-69, c. 74, s. 31, *part*.

Treasurer,
etc., to
account for
and pay
over Crown
money

631. The county, city or town treasurer is accountable and responsible to the Crown for all money collected for any of the purposes mentioned in section 625, and shall pay over such money to the Treasurer of Ontario. 1968-69, c. 74, s. 31, *part*.

Municipality
responsible
for such
money

632. Every county, city and town is responsible to Her Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the county, city or town

in virtue of his office shall be duly paid over and accounted for by him according to law. 1968-69, c. 74, s. 31, *part*.

633. The treasurer and his sureties are responsible and accountable for such money to the county, city or town, and any bond or security given by them for the duly accounting for and paying over money belonging to the county, city or town applies to all money mentioned in section 625 and may be enforced against the treasurer or his sureties in case of default. 1968-69, c. 74, s. 31, *part*.

Treasurer, etc., responsible to county, etc.

634. The bond of the treasurer and his sureties applies to school money and to all public money of Ontario and, in case of default, Her Majesty may enforce the responsibility of the county, city or town by stopping a like amount out of any public money that would otherwise be payable to the county, city or town or to the treasurer thereof, or by action against the corporation. 1968-69, c. 74, s. 31, *part*.

Bonds to apply to school money

635. Any person aggrieved by the default of the treasurer may recover from the corporation of the county, city or town the amount due or payable to such person as money had and received to his use. 1968-69, c. 74, s. 31, *part*.

City, etc., responsible for default of treasurer, etc.

MISCELLANEOUS

636.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the Assessment Review Court that such outstanding taxes be struck off the roll, and the council, upon the recommendation of the Assessment Review Court, may direct the treasurer to strike such taxes off the roll.

Uncollectable taxes

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes that by reason of a decision under section 76 of *The Assessment Act*, or of a decision of a judge of any court are uncollectable. 1968-69, c. 74, s. 31, *part*.

Taxes uncollectable by reason of court decision
R.S.O. 1970, c. 32

637.—(1) Where the Government of Canada desires to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or to provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, a municipality may agree to accept and may accept from the Government of Canada an amount of money in lieu of taxes on such tenant or user or payment for such specific municipal services that would otherwise be payable.

Payment in lieu of taxes by Government of Canada

(2) The specific municipal services referred to in subsection 1 do not include the provision of any right to attend elementary or secondary schools.

Municipal services

Taxes not
to be levied

(3) Where a municipality has agreed to accept and has accepted such payment, as provided for in subsection 1, the municipality shall not collect any taxes on or in respect of any person who uses land with respect to which such payment is made.

Distribution
of money

(4) Where moneys are received by a municipality under subsection 1 to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money shall be paid over to such body.

Idem

(5) The money received by a municipality under subsection 1 other than the money paid over to other bodies under subsection 4 shall be credited to the general fund of the municipality. 1968-69, c. 74, s. 31, *part.*

Computation
of time for
proceedings
where time
limited
expires on
Saturday

638. Where the municipal offices in a municipality are closed on Saturday and the time limited for any proceeding or for the doing of any thing in such municipal offices under this Part expires or falls upon a Saturday, the time so limited shall extend to and the thing may be done on the day next following that is not a holiday. 1968-69, c. 74, s. 31, *part.*

PART XXV

MISCELLANEOUS

Forms

639. Where the forms therefor are not prescribed by this Act, the Department may prescribe forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form as prescribed by this Act or the Department and that is not calculated to mislead is not open to objection on the ground that it is not in accordance with the form so prescribed. 1962-63, c. 87, s. 20.

Repeal
of s. 354,
subs. 1,
par. 133

640. Paragraph 133 of subsection 1 of section 354 is repealed on a day to be proclaimed by the Lieutenant Governor by his proclamation. 1970, c. 135, s. 7 (7), 14 (4).

FORM 1

(Section 49 (1) (a))

DECLARATION OF QUALIFICATION BY CANDIDATE

I,, a candidate for election to the office of
in the municipality of declare that:

1. I am a householder residing in this municipality and am assessed as owner (or tenant) of a dwelling or apartment house (or part of a dwelling or apartment house separately occupied as a dwelling) or (I am rated on the last revised assessment roll for land held in my right for an amount sufficient to entitle me to be entered on the voters' list and reside in or within five miles of the municipality) or (I am the wife or husband of a householder who resides in the municipality and reside in or within five miles of the municipality).

2. I am entered on the last revised voters' list as qualified to vote at municipal elections.

3. I am a British subject and am not a citizen or a subject of any foreign country.

4. I am of the full age of 21 years.

5. I am not disqualified under section 36 of *The Municipal Act* or under any other Act.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at }
..... this }
day of, 19.... }

R.S.O. 1960, c. 249, Form 1; 1962-63, c. 87, s. 21; 1968-69, c. 74, s. 32.

FORM 2

(Section 235 (1))

I,, having been elected to the office of
in the municipality of do swear that I will be faithful
and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning
sovereign for the time being).

Sworn before me at the }
of }
in the of }
this day of }
19.... }

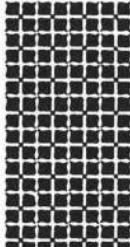
R.S.O. 1960, c. 249, Form 2; 1968, c. 76, s. 31.

FORM 3

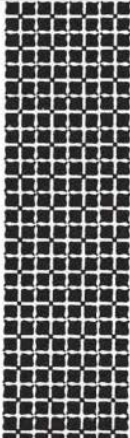
(Section 73 (1))

BALLOT PAPER FOR CITIES AND TOWNS

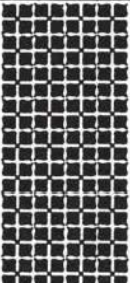
FORM FOR MAYOR

	Election for the Members of the Municipal Council of the City of Ward No. Polling Subdivision No. 19..... day of	FOR MAYOR	ALLAN Charles Allan, of King Street, in the City of Toronto, Merchant.
		BROWN William Brown, of the City of Toronto, Banker.	

FORM FOR REEVE AND DEPUTY REEVE IN TOWNS

	Election for the Members of the Municipal Council of the Town of Ward No. Polling Subdivision No. 19..... day of	FOR REEVE	CLITHEROE Albert Clitheroe, of the Town of Galt, Baker.
		HUGHES David Hughes, of the Town of Galt, Tinsmith.	
		FOR DEPUTY REEVE	FARQUHARSON Robin Farquharson, of the Town of Galt, Builder.
		MacPHERSON Roderick MacPherson, of the Town of Galt, Printer.	

FORM FOR ALDERMEN OR COUNCILLORS

	Election for the Members of the Municipal Council of the City of Ward No. Polling Sub- division No. 19..... day of	FOR ALDERMAN (or) COUNCILLOR	ARGO James Argo, of the City of Toronto, Gentleman.
		BAKER Samuel Baker, of the City of Toronto, Baker.	
		DUNCAN Robert Duncan, of the City of Toronto, Printer.	

[NOTE.—In the case of cities and towns where Aldermen or Councillors are elected by general vote, the form above given is to be adapted to suit the case.]

FORM 4

(Section 73 (2))

BALLOT PAPER FOR CITIES
OF NOT LESS THAN 200,000 POPULATION

FORM FOR MAYOR AND CONTROLLERS

CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR MAYOR	ALLAN Charles Allan, Merchant.
	BROWN William Brown, Banker.

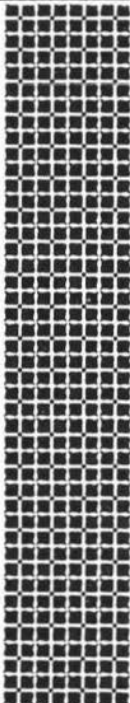
FORM FOR ALDERMEN

CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR ALDERMAN	ARGO James Argo, Gentleman.
	BAKER Samuel Baker, Baker.
	DUNCAN Robert Duncan, Printer.
	ROBINSON Archibald Robinson, Butcher.

FORM 5

(Section 73 (1))

BALLOT PAPER FOR VILLAGES

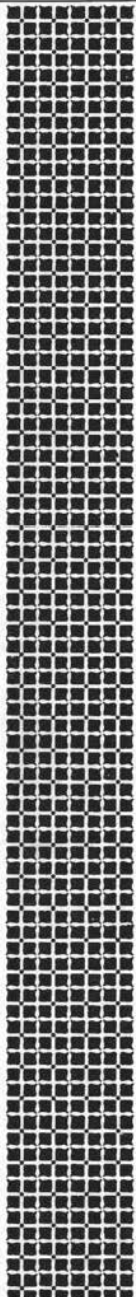
	Election of Members of the Municipal Council of the of in the County of, Polling Subdivision No. day of, 19.....	FOR REEVE	BROWN John Brown, of the Village of Weston, Merchant.
		ROBINSON George Robinson, of the Village of Weston, Physician.	
		FOR COUNCILLORS	BULL John Bull, of the Village of Weston, Butcher.
		JONES Morgan Jones, of the Village of Weston, Grocer.	
		McALLISTER Allister McAllister, of the Village of Weston, Tailor.	
		O'CONNELL Patrick O'Connell, of the Village of Weston, Milkman.	

R.S.O. 1960, c. 249, Form 5.

FORM 6

(Section 73 (1))

BALLOT PAPER FOR TOWNSHIPS

	<i>FOR REEVE</i>	ALLSOPP Albert Allsopp, of the Township of York, Brewer.
		BURTON Henry Burton, of the Township of York, Farmer.
	<i>FOR DEPUTY REEVE</i>	BANKS John Banks, of the Township of York, Blacksmith.
		CALDWELL Henry Caldwell, of the Township of York, Market Gardener.
		CONNOR Patrick Connor, of the Township of York, Cattle Dealer.
		DAVIDSON Thomas Davidson, of the Township of York, Milkman.
	<i>FOR COUNCILLORS</i>	BRITTON James Britton, of the Township of York, Farmer.
		LLOYD David Lloyd, of the Township of York, Farmer.
		MACDONALD Philip Macdonald, of the Township of York, Agent.
		O'LEARY Dennis O'Leary, of the Township of York, Farmer.

[NOTE.—Where the election is to fill a vacancy, the ballot papers are to contain only so much of the form as is required, and the counterfoils shall bear, instead of the words appearing on the form, the words “Election of, to fill a vacancy in the office of Ward No., Polling subdivision No., day of, 19”.

Where controllers, or commissioners, or members of the board of education, are to be elected, the ballot papers are to be similar in form.]

FORM 7

(Section 78)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

The voter will go into one of the compartments and, with a pen or pencil, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any place within the division that contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the deputy returning officer (*or* returning officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the deputy returning officer (*or* returning officer, *as the case may be*) and forthwith quit the polling place.

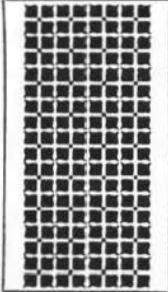
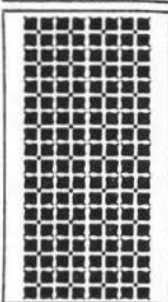
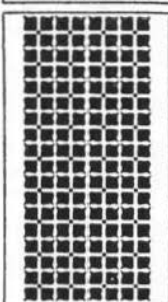
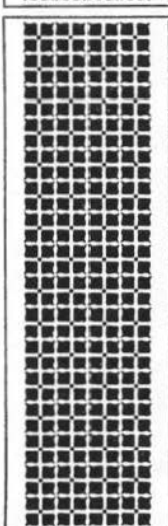
If the voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer (*or* returning officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of ballot paper, given for illustration, the candidates are, for Mayor, Jacob Thompson and Robert Walker; for Reeve, George Jones and John Smith; for Deputy Reeve, Thomas Brown and William Davis; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William David for Deputy Reeve, and the fourth ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election for the Members of the Municipal Council of the Town of Ward No., Polling Sub- division No., 19..... day of	FOR MAYOR	<p style="text-align: center;">THOMPSON</p> <p>Jacob Thompson, of the Town of Barrie, Merchant. X</p> <hr/> <p style="text-align: center;">WALKER</p> <p>Robert Walker, of the Town of Barrie, Physician.</p>
	Election for the Members of the Municipal Council of the Town of Ward No., Polling Sub- division No., 19..... day of	FOR REEVE	<p style="text-align: center;">JONES</p> <p>George Jones, of the Town of Barrie, Barrister. X</p> <hr/> <p style="text-align: center;">SMITH</p> <p>John Smith, of the Town of Barrie, Banker.</p>
	Election for the Members of the Municipal Council of the Town of Ward No., Polling Sub- division No., 19..... day of	FOR DEPUTY REEVE	<p style="text-align: center;">BROWN</p> <p>Thomas Brown, of the Town of Barrie, Grocer. X</p> <hr/> <p style="text-align: center;">DAVIS</p> <p>William Davis, of the Town of Barrie, Jeweller.</p>
	Election for the Members of the Municipal Council of the Polling Subdivision No., 19..... day of	FOR COUNCILLORS	<p style="text-align: center;">BULL</p> <p>John Bull, of the Town of Barrie, Butcher. X</p> <hr/> <p style="text-align: center;">JONES</p> <p>Morgan Jones, of the Town of Barrie, Grocer.</p> <hr/> <p style="text-align: center;">McALLISTER</p> <p>Allister McAllister, of the Town of Barrie, Tailor.</p> <hr/> <p style="text-align: center;">O'CONNELL</p> <p>Patrick O'Connell, of the Town of Barrie, Milkman. X</p>

FORM 8
(Section 81)

FORM IN WHICH POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS	Description of property in respect of which the voter is entitled to vote.	Owner, Tenant, Farmer's Son, etc.	Residence of Voter.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	Mayor and Reeve.	Deputy Reeves.	Councillors.	REMARKS

NOTE.—In Cities, the column above headed "Mayor and Reeve" is to be headed "Mayor"; and the column above headed "Councillors" is to be headed "Aldermen". In Townships and Villages, the above column headed "Mayor and Reeve" is to be headed "Reeve". Where Controllers, Commissioners or Members of a Board of Education are to be elected, columns for these are to be added with appropriate headings.

R.S.O. 1960, c. 249, Form 8

FORM 9

(Section 86 (1))

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST

Election to the Municipal Council of the.....
of....., 19.....

I,, Clerk of the Municipality of in the
County of, hereby certify that the assess-
ment roll for this municipality upon which the voters' list to be used at this
election is based was returned on the.....
day of, 19....., and that the last day for making
complaint to the Judge with respect to the list was the.....
day of, 19.....

Dated this..... day of, 19.....

[Seal]

.....
Clerk

R.S.O. 1960, c. 249, Form 9.

FORM 10

(Section 38 (7-9))

Municipality of

CERTIFICATE TO ENTER NAME ON VOTERS' LIST

I hereby certify that the name of the following person, that is to say:

Name	Con- dition	Lot	Street or Con- cession	Owner, Tenant, etc.	Post Office Address	Jurors' column
.....
.....
.....
.....
.....

has been omitted from the last revised voters' list of this municipality and that he
is entitled to be entered thereon and to vote at the municipal poll to be held on the
..... day of, 19....., for Polling
Subdivision No. in the Ward, and this is
your authority for entering the name of such person on the voters' list for the said
subdivision and for permitting him to vote as if his name had been entered before
the said list was revised.

Given under my hand this..... day of, 19.....

.....
Clerk

To the Returning Officer
and Deputy Returning Officer,
Polling Subdivision No. Ward.

R.S.O. 1960, c. 249, Form 10.

FORM 11

(Section 91 (16))

CERTIFICATE AS TO VOTERS WHO HAVE VOTED
AT ADVANCE POLL

I,, Returning Officer for the municipal election for the of certify that the following voters listed on the Voters' List for Polling Subdivision No. of the of have voted at an advance poll held for this election:

Name

Address

.....
.....

Given under my hand this day of
19....

Returning Officer.

R.S.O. 1960, c. 249, Form 11.

FORM 12

(Section 96 (1))

OATH TO BE ADMINISTERED TO A VOTER

You swear (a)

1. That you are the person named or intended to be named by the name of in the list (or supplementary list) of voters (b) now shown to you.

2. That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of 21 years.

3. That you are not a citizen or subject of any foreign country.

4. That (c).

5. (In the case of a municipality not divided into wards) That you have not voted before at this election at this or any other polling place.

6. (Where the municipality is divided into wards and the election is not by general vote.) That you have not voted before at this election at this or any other polling place in this ward, (or if the election is by general vote) that you reside in this polling subdivision (or are not entitled to vote in the polling subdivision in which you reside or are not resident within the municipality, as the case may be), and that you have not voted before or elsewhere at this election, and will not vote elsewhere at this election (d).

7. That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender.

8. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election.

9. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

(a) *If the voter is a person who may by law affirm in civil cases, substitute for "swear", "solemnly affirm".*

(b) *In the case of a new municipality in which there has not been any assessment roll, instead of referring to the list of voters, the oath is to state the land in respect of which the person claims to vote.*

(c) *In the case of a person claiming to vote in respect of a freehold estate, insert here, "At the date of this election you are in your own right (or you reside in or within five miles of the municipality and your wife is in her own right or you reside in or within five miles of the municipality and your husband is in his own right) owner of land within this polling subdivision (or, in case of a ward not divided into polling subdivisions, within this ward)"*

In the case of a person claiming to vote in respect of a leasehold estate, insert here, "That you were (or your wife was or your husband was) actually and truly in good faith possessed to your (or her or his) own use, and benefit as tenant of the land in respect of which your name is entered on such list". And in the case of a wife or husband of a tenant, insert here, "And your (wife or husband) is a resident of this municipality and has resided within it for one month next before this election".

In the case of a person claiming to vote as a farmer's son, insert here
That on the day of, 19....,
(the day certified by the clerk as the date of the final revision of the assessment roll upon which the voters' list is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the Judge with respect to such list) A.B., (naming him or her) was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years, as you verily believe of the land in respect of which your name is entered on the voters' list, and that you are a son (or a stepson) of the said A.B., and that you resided on the said land for twelve months next before the said day, and were not absent during that period except temporarily, and for not more than six months in all, and that you are still a resident of this municipality.

Where the voter is a leaseholder, and the voting is on a by-law under section 70 of The Local Improvement Act, add:

That you have, by the lease under which you hold, contracted to pay all municipal taxes, including local improvement rates.

(d) *(In the case of a municipality divided into wards, if the by-law is one of creating a debt, substitute for paragraph 6 the following):*

6. That you have not voted before on the by-law at this or any other polling place in this ward; *(and in the case of any other by-law, the following):*

6. That you reside in this polling subdivision or are not entitled to vote in the polling subdivision in which you reside or are not resident within the municipality (as the case may be), and that you have not voted before elsewhere, and will not vote elsewhere on the by-law.

Where the voter is a leaseholder, and the voting is on a by-law for creating a debt, add the following paragraph:

10. That the lease under which you hold extends for the period for which the debt or liability to be created by the by-law is to run, and you have contracted by the lease to pay all municipal taxes in respect of the land other than special assessments for local improvements.

Where the voting is on a by-law, substitute for the words "at this election" the words "on the by-law"; and where the voting is on a question, substitute for the words "at this election" the words "on the question".

R.S.O. 1960, c. 249, Form 12: 1966, c. 93, s. 38.

NOTE.—*Where the voter is the nominee of a corporation, the oath shall state the fact, and that the voter has not voted before on the by-law "at this or any other polling place", adding if the municipality is divided into wards "in this ward", and shall also contain paragraphs 1, 7, 8 and 9.*

FORM 13

(Section 101)

DECLARATION OF INABILITY TO READ

I, A. B., of, being numbered on the voters' list for polling subdivision No., in the City (or as the case may be) of, being a legally qualified elector for the City (or as the case may be) of, declare that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be).

(A. B., His X Mark)

Dated this day of, 19

R.S.O. 1960, c. 249, Form 13.

NOTE.—If the person objects on religious grounds to mark a ballot paper the declaration may be made orally and to the above effect.

FORM 14

(Section 101 (5))

DECLARATION OF FRIEND OF BLIND VOTER

I, (insert name of friend), of the of, in the County of (occupation), declare that I will keep secret the name of the candidate for whom I mark the ballot of (name of blind voter) on whose behalf I act.

Dated this day of, 19

Witness:

Deputy Returning Officer

Signature of friend

R.S.O. 1960, c. 249, Form 14.

FORM 15

(Section 101 (7))

CERTIFICATE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ

I, C. D., Deputy Returning Officer for Polling Subdivision No. for the City (or as the case may be) of, hereby certify that the above (or within) declaration, having been first read to the above (or within) named A. B., was signed by him in my presence with his mark.

C. D.

Dated this day of, 19

R.S.O. 1960, c. 249, Form 15.

FORM 16

(Section 115 (1))

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER
IS UNABLE TO DELIVER THE BALLOT BOX TO THE
RETURNING OFFICER

I,, swear that I am the person to whom
....., Deputy Returning Officer for Polling Subdivision
No., of the of
entrusted the ballot box for the polling subdivision to be delivered to the Clerk;
that the ballot box that I delivered to the Clerk this day is the ballot box I so
received; that I have not opened it and that it has not been opened by any other
person since I received it from the Deputy Returning Officer.

Sworn before me at }
..... this }
day of , 19..... }

R.S.O. 1960, c. 249, Form 16.

FORM 17

(Section 115 (3))

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

I,, Deputy Returning Officer for Polling Subdivision
No., of the City (or as the case may be) of in the County
of swear that, to the best of my knowledge and belief, the poll
book kept for the polling place under my direction has been kept correctly, that
the total number of voters polled according to the poll book is
and that it contains a true and exact record of the votes given at the polling place,
as the votes were taken thereat; that I have correctly counted the votes given for
each candidate, in the manner by law provided, and performed all duties required
of me by law, and that the statement, voters' list, poll book, packets containing
ballot papers, and other documents required by law to be returned by me to the
Clerk, have been faithfully and truly prepared and placed in the ballot box, and
are contained in the ballot box returned to me to the Clerk, which was locked and
sealed by me, in accordance with *The Municipal Act*, and remained so locked and
sealed while in my possession.

Sworn before me at }
in the County of }
this day of , 19..... }

R.S.O. 1960, c. 249, Form 17.

FORM 18

(Section 127)

OATH OF SECRECY

I, *A.B.*, swear that I will not at this election disclose to any person the name of any person who has voted, and that I will not in any way unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge that may come to me of the person for whom any elector has voted.

Sworn before me this } *A.B.*
 day of, 19..... } J.P. (*or as the case may be*) *C.D.*

R.S.O. 1960, c. 249, Form 18.

NOTE.—When the voting is on a by-law or question, the form is to be adapted to that case.

FORM 19

(Section 185)

CERTIFICATE OF CLERK AS TO ELECTION OF REEVE
 AND DEPUTY REEVE (IF ANY)

I, *A.B.*, of, Clerk of the Corporation of in the County of, do hereby certify under my hand and the seal of the Corporation that *X.Y.* was duly elected reeve (*or deputy reeve*) of the town (township or village, *as the case may be*), and has made and subscribed the declaration of office and qualification as such reeve (*or deputy reeve*).

A.B.

R.S.O. 1960, c. 249, Form 19.

FORM 20

(Section 235 (1))

DECLARATION OF ELECTED OFFICE

I,, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of to which I have been elected in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation, that I am not a shareholder with a controlling interest in or a director, manager, secretary, treasurer, secretary-treasurer or agent of an incorporated company having dealings or a contract with the corporation, and that I will disclose any pecuniary interest, direct or indirect, that I may have in any proposed contract with the corporation or in any other matter in which the (*city, town, etc.*) of is concerned.

1966, c. 93, s. 39, *part.*

FORM 21

(Section 235 (2))

DECLARATION OF APPOINTED OFFICE

I,, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*insert name of office, or offices in the case of a person who has been appointed to two or more offices that he may lawfully hold at the same time*), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been appointed in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation except that arising out of my office as clerk (*or my office as treasurer, collector, etc., as the case may be*).

1966, c. 93, s. 39, *part*; 1968-69, c. 74, s. 33.

FORM 22

(Section 235 (4))

OATH OF RETURNING OFFICER, DEPUTY RETURNING
OFFICER AND POLL CLERK

I,, swear that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) in this municipality and that I have not received and will not receive any payment or reward, or promise thereof, for the due exercise of any partiality or malversation or other undue execution of such office.

Sworn before me this..... }
day of....., 19..... }

R.S.O. 1960, c. 249, Form 22

FORM 23

(Section 235 (6))

DECLARATION OF AUDITOR

I,, having been appointed auditor for the municipal corporation of, do solemnly promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor or other than for services within my professional capacity.

1962-63, c. 87, s. 22.

FORM 24

(Section 265 (2))

DECLARATION OF ELECTOR

I, the undersigned,, declare that I am an elector in this municipality, and that I am desirous of promoting (or opposing, as the case may be) the passing of the by-law to (here insert object of the by-law), submitted by the Council of this municipality (or of voting in the affirmative, or in the negative, as the case may be), on the question submitted.

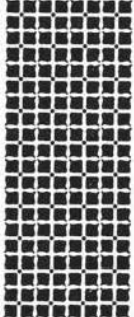
Declared before me this }
day of, 19. }

R.S.O. 1960, c. 249, Form 24.

FORM 25

(Section 272)

BALLOT PAPER FOR VOTING ON A BY-LAW

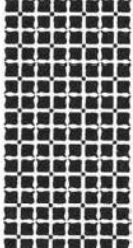
	19. Voting on By-law to (here insert object of the by-law) submitted by the Council of of	FOR The By-law.
		AGAINST The By-law.

R.S.O. 1960, c. 249, Form 25.

FORM 26

(Section 272)

BALLOT PAPER FOR VOTING ON QUESTION

	19. Voting on the following question (here state questions).	YES
		NO

R.S.O. 1960, c. 249, Form 26.

FORM 27

(Section 273)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

The voter will go into one of the compartments and, with a pen or pencil, place a cross, thus X, on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.

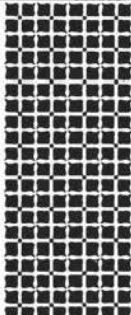
The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (*or* Returning Officer, *as the case may be*), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of ballot paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:

	Voting on By-law to (here insert object of the by-law) sub- mitted by the Council of of	FOR X
		The By-law.
		AGAINST
		The By-law.

R.S.O. 1960, c. 249, Form 27.

FORM 28

(Section 281 (1))

NOTICE ON PROMULGATION OF BY-LAW

The above is a true copy of a by-law passed by the Municipal Council of..... of..... on the..... day of....., 19..... And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed must make his application for that purpose to the Supreme Court, within three months next after the first publication of this notice in the newspaper called the....., or he will be too late to be heard in that behalf.

R.S.O. 1960, c. 249, Form 28.

FORM 29

(Section 535 (3))

FORM OF OATH TO BE ATTACHED TO COLLECTOR'S ROLL

I, (*name and residence*), make oath and say (*or solemnly declare and affirm*) as follows:

In accordance with *The Municipal Act*, I have appended my initials in the collector's roll attached hereto to every date entered by me in the roll as the date of demand of payment, or notice of taxes, pursuant to section 521 (*or* section 527) and of every transmission of statement and demand of taxes pursuant to section 523, or have attached my certificate pursuant to section 524, and every such date has been truly stated in the roll or certificate.

1968-69, c. 74, s. 34, *part*.

FORM 30

(Section 549 (3))

CERTIFICATE OF TREASURER

Treasurer's Office of the County (*or City or Town or Township*) ofStatement showing arrears of taxes upon the following lands in the Township,
or City, or Town of

Lot	Concession or Street	Quantity of Land	Amount	Year

I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the lands has been sold for taxes and no certificate of tax arrears has been registered against the lands within the last eighteen months, and that the return under section 538 of *The Municipal Act* has been made for the year 19.....

.....
*Treasurer.*1968-69, c. 74, s. 34, *part.*

FORM 31

(Section 586)

TAX DEED

To all to whom these presents shall come:

We,, of the of
 Esquire, Warden (or Mayor, or Reeve), and of the
 of esquire, Treasurer of the County (or City or Town or
 Township) of Send Greeting:

WHEREAS by virtue of a warrant under the hand of the Warden (or Mayor or
 Reeve) and seal of the said County (or City or Town or Township), bearing date
 the day of 19....
 commanding the Treasurer of the County (or City or Town or Township) to levy
 upon the land hereinafter mentioned for the arrears of taxes due thereon, with his
 costs, the Treasurer of the County (or City or Town or Township) did, on
 the day of 19....
 sell by public auction to of the of
 in the County of that certain parcel
 or tract of land and premises hereinafter mentioned, at and for the price or sum
 of of lawful money of Canada, on account of the
 arrears of taxes alleged to be due thereon up to the day of
 19...., together with the costs:

Now know ye, that we, and
 as Warden (or Mayor or Reeve) and Treasurer of the said County (or
 City or Town or Township) in pursuance of such sale, and of *The Municipal
 Act*, and for the consideration aforesaid, do hereby grant, bargain and sell
 unto his heirs and assigns, all that certain parcel
 or tract of land and premises containing being composed
 of (*describe the land so that it may be readily identified*).

In witness whereof, we the Warden (or Mayor or Reeve) and Treasurer
 of the County (or City or Town or Township) have hereunto set our hands
 and affixed the seal of the County (or City or Town or Township), this
 day of 19....; and the Clerk of the County
 (or City or Town or Township) Council has countersigned.

A.B., Warden (or Mayor or Reeve), (*Corporate Seal*)

C.D., Treasurer

Countersigned,

E.F., Clerk.

1968-69, c. 74, s. 34, *part*.